

334IHSSF257



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Site Name PEP BOYS #150

DocumentType Correspondence (C)

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DocDate 5/16/2011

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Box SF257

AccessLevel PUBLIC

Division WASTE MANAGEMENT

Section SUPERFUND

Program IHS (IHS)

DocCat FACILITY

Macdonald, Janet K

From: Macdonald, Janet K
Sent: Monday, May 16, 2011 3:28 PM
To: 'Phil Rahn'
Subject: RE: Quarterly Progress Reports

Quarterly reminder

Mr. Rahn,

As of today, we have received quarterly summaries for the QFP, Conflandy and Cookson Fibers sites. The attached CDs were empty, but we do not require quarterlies to be submitted on CD. Eventually, the quarterlies can be submitted electronically, but for now only a hardcopy is required. We have not yet received a quarterly summary for the Pep Boys site. Please send it in as soon as possible. We have updated the document certifications in order to expedite the certification process. Let me know if you have any questions.

Thanks,

Janet

Janet Macdonald
Phone: (919) 508-8446

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Phil Rahn [mailto:prahn@watersedgeenv.com]
Sent: Friday, April 15, 2011 12:08 PM
To: Macdonald, Janet K
Subject: Quarterly Progress Reports

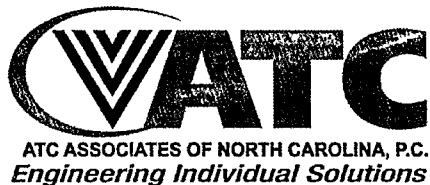
Janet- I am having difficulty in getting responses for the certification page at three of the REC sites where I am the RSM. These are as follows;

1. Conflandey- Whiteville, NC- Site ID NONCD0001538- My client is in Paris, France and said he would not be able to send in Certification Form till the end of the month. Just to update you, we have completed the soil removal as detailed in our Soil RAP and will be installing new groundwater monitoring wells. We should have a Soil RAP completion report to you in the next two months.
2. Cookson Fibers- Ansonville, NC- Site ID NCD0001544- I have had no response from my client concerning the certifications but would hope I could get the certification page in the next couple weeks. This project is in ongoing groundwater remediation with a pump and treat system which has been in operation for the last several years.
3. Pep Boys- Charlotte, NC- Site ID NONCD0002810- We have conducted additional soil assessment and have concluded that small amount of impacted soil which has exceedances for 1,1,2,2,-TCA would be infeasible to remove and as such, we will have to wait and reassess at a later point in time.

I feel like I am being diligent in getting them to respond but have had more limited success with these clients. My project with Old QFP in Enfield, NC has not had a problem. I hope this provides you with some information that the assessment or remediation at each site is progressing. I will call to follow-up as well.

Phillip L. Rahn P.G.
President
Waters Edge Environmental
4901 Waters Edge Drive, Suite 201

Raleigh, NC 27606
919.859.9987 (office)
919.219.5820 (cell)
919.859.9930 (fax)
prahn@watersedgeenv.com (E-mail)

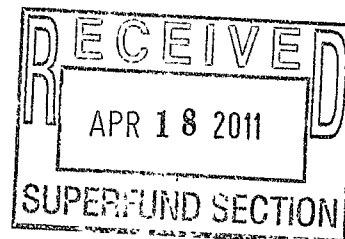


2725 E. Millbrook, Suite 121
Raleigh, North Carolina 27604
www.atc-enviro.com
(919) 871-0999
Fax (919) 871-0335
N.C. Engineering License No. C-1598

April 8, 2011

REC-LEAD

Mr. Kim Caulk, Manager
Inactive Hazardous Sites Branch - REC Program
North Carolina Department of Environment and Natural Resources
Division of Waste Management
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605



Re: Quarterly Status Report: January 2011 – March 2011
Petro Express #56 (Pantry #3970)
225 Cleveland Avenue
Kings Mountain, Cleveland County, North Carolina
ATC Project No. 045.24639.3970

Dear Mr. Caulk:

ATC Associates of North Carolina, P.C. (ATC), on behalf of our client, The Pantry, Inc. (Pantry), is pleased to submit this Quarterly Status Report (QSR) covering the period of January 2011 through March 2011 for the Petro Express #56 (Pantry #3970) site in Kings Mountain, Cleveland County, North Carolina. ATC and the Pantry are submitting the QSR to provide compliance with the North Carolina Department of Environment & Natural Resources (NCDENR), Division of Waste Management Superfund Section, Inactive Hazardous Sites (IHS) Branch, and Registered Environmental Consultant (REC) Program Implementation Guidelines, dated August 2010.

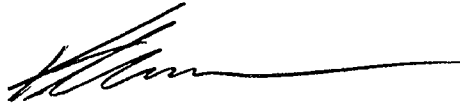
During this quarter (January 1, 2011 through March 31, 2011), ATC completed and submitted the addendum to the Phase I Remedial Investigation (RI) Work Plan to the IHS Branch. At this time, off-site access agreements have been submitted and are awaiting responses in preparation for subsurface investigation. We expect to conduct the investigation during the Spring of 2011. The investigation results will provide information on whether the impact detected on site is from an unknown potential off-site source or from current uncertain on-site conditions.

Work is progressing in a manner to achieve the workplace completion deadlines set out in 15A NCAC 13C .0302(h). Attached you will find copies of the certification statements, per 15A NCAC 13C .0306(b), from the remediating party (The Pantry) and the RSM (Kevin Sommers).

If you have any questions or require additional information, please contact Mr. Kevin Sommers in our Raleigh office at (919) 871-0999.

Sincerely,

ATC Associates of North Carolina, P.C.

A handwritten signature in black ink, appearing to read 'Kevin R. Sommers', followed by a long horizontal line.

Kevin R. Sommers, P.E.
REC Registered Site Manager

Attachments:

1. Remediating Party Certification Form
2. Registered Site Manager Certification Form

IHSB SITE NAME Petro Express # 56 (IHSB # NONCD0001939)/ Pantry #3970DATE & NAME OF DOCUMENT Quarterly Status Report: Jan 2011 - March 2011TYPE OF SUBMITTAL (circle all that apply): Report, Workplan, Work Phase Comp. Statement, Schedule Change**REMEDIATING PARTY DOCUMENT CERTIFICATION STATEMENT (.0306(B)(2))**

"I certify under penalty of law that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material and information contained herein is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information."

Brent Reid Puzak
Name of Remediating Party

[Signature]
Signature of Remediating Party

4/9/11
Date

NOTARIZATION

North Carolina (Enter State)

Wake COUNTY

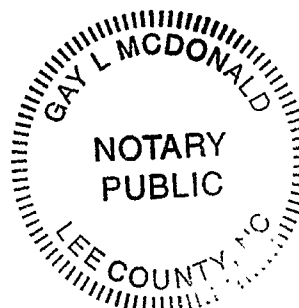
I, Gay L. McDonald, a Notary Public of said County and State, do hereby certify that Brent Reid Puzak did personally appear and sign before me this day, produced proper identification in the form of (personally known), was duly sworn or affirmed, and declared that, he or she is the duly authorized environmental consultant of the remediating party of the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certifications is true and accurate, and he or she then signed these Certifications in my presence.

WITNESS my hand and official seal this 13th day of April, 2011.

[Signature]
Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: 6/5/14.



IHSB SITE NAME Petro Express # 56 (IHSB # NONCD0001939)/ Pantry #3970DATE & NAME OF DOCUMENT Quarterly Status Report: Jan 2011 - March 2011TYPE OF SUBMITTAL (circle all that apply): Report Workplan, Work Phase Comp. Statement, Schedule Change**REGISTERED SITE MANAGER CERTIFICATION OF SIGNATURES**

As the Registered Environmental Consultant for the Site for which this filing is made, I certify that the signatures included herewith are genuine and authentic original handwritten signatures and/or true, accurate, and complete copies of the genuine and authentic original handwritten signatures of the persons who purport to sign for this filing. I further certify that I have collected through reliable means the originals and/or copies of said signatures from the persons authorized to sign for this filing who, in fact, signed the originals thereof. Those persons and I understand and agree that any copies of signatures have the same legally binding effect as original handwritten signatures, and I certify that any person for whom I am submitting a copy of their signature has provided me with their express consent to submit said copy. Additionally, I certify that I am authorized to attest to the genuineness and authenticity of the signatures, both originals and any copies, being submitted herewith and that by signing below, I do in fact attest to the genuineness and authenticity of all the signatures, both originals and copies, being submitted for this filing.

Kevin R. Sommers

Name of Registered Site Manager

[Signature]
Signature of Registered Site Manager4/14/2011

Date

REGISTERED SITE MANAGER DOCUMENT CERTIFICATION STATEMENT (.0306(b)(1))

"I certify under penalty of law that I am personally familiar with the information contained in this submittal, including any and all supporting documents accompanying this certification, and that the material and information contained herein is, to the best of my knowledge and belief, true, accurate and complete and complies with the Inactive Hazardous Sites Response Act G.S. 130A-310, et seq, and the remedial action program Rules 15A NCAC 13C .0300. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information."

Kevin R. Sommers

Name of Registered Site Manager

[Signature]
Signature of Registered Site Manager4/14/2011

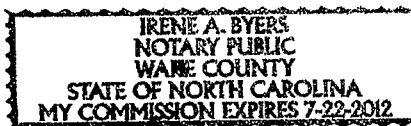
Date

NOTARIZATIONN.C. (Enter State)Wake COUNTY

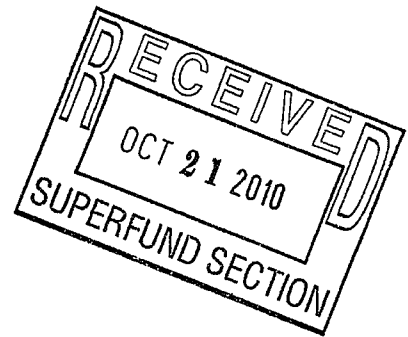
I, Irene A. Byers, a Notary Public of said County and State, do hereby certify that Kevin R. Sommers did personally appear and sign before me this day, produced proper identification in the form of NC Driver license was duly sworn or affirmed, and declared that, he or she is the duly authorized environmental consultant of the remediating party of the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certifications is true and accurate, and he or she then signed these Certifications in my presence.

WITNESS my hand and official seal this 14th day of April, 2011.[Signature]
Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: 7-22-2012

**October 2010 Quarterly Status Report
Pep Boys #150 Facility
Matthews, North Carolina
October 12, 2010**



REC-LEAD

Prepared for

**Pep Boys- Manny, Moe & Jake
c/o The EC Group
Hammonton, New Jersey**

Prepared by

**Waters Edge Environmental, LLC
Raleigh, North Carolina**



October 12, 2010

Mr. Kim Caulk - NCDENR REC Program
Inactive Hazardous Sites Branch
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605

Reference: October 2010 Quarterly Status Report
 Pep Boys #150 Facility
 Matthews, North Carolina
 Waters Edge Job No. R9-02
 Docket Number 09-SF-287

Dear Mr. Caulk:

Waters Edge Environmental, LLC (Waters Edge) is submitting herewith the attached October 2010 REC Quarterly Status Report for the Pep Boys facility located in Matthews, North Carolina.

If you have any questions or require any additional information, please contact me at 919.859.9987.

Sincerely,

WATERS EDGE ENVIRONMENTAL, LLC

Phillip L. Rahn PG
President

cc: Ms. Tracy Hason- The Pep Boys- Manny, Moe & Jack
 Mr. Ed Keebler- EC Group

10-105/PLR

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2	Site Location Map

Appendices

<u>Appendix</u>	<u>Title</u>
A	Certifications

**October 2010 Quarterly Progress Report
Pep Boys #150 Facility
Matthews, North Carolina
October 12, 2010**

1 Quarterly Status Report

The site is in an assessment phase, and no remedial action has been completed to date for the above-mentioned Pep Boys #150 facility located in Matthews, North Carolina (see Figures 1 and 2). We have had some delays due to miscommunications between the client and the RSM which have been resolved and have submitted the submitted the Remedial Investigation (RI) Work Plan. The additional RI work will be conducted during October 2010 and the results are anticipated to be received during November 2010. We would conclude that work is progressing in a manner to achieve the mandatory work phase completions.

2 Contact Names for Future Work

The contact names for the Pep Boys #150 project are as follows:

RSM

Mr. Phillip Rahn
4901 Waters Edge Drive
Suite 201
Raleigh, North Carolina 27606
919.859.9987

Consultant

Mr. Ed Keebler
EC Group
201 East Orchard Street
Hammonton, N.J. 08037
609.704.9990

REC

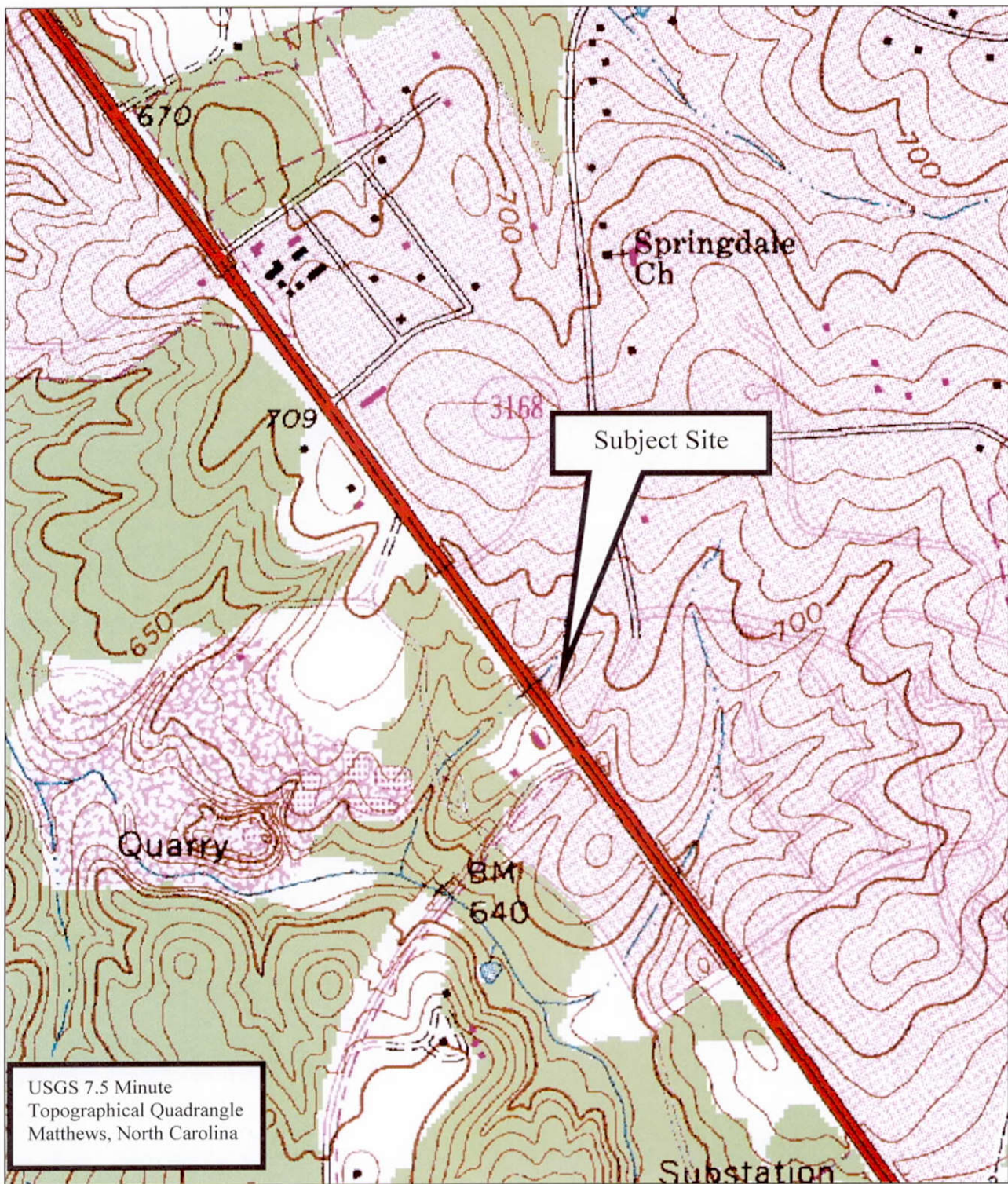
Waters Edge Environmental LLC

3 Notes/Photographs or Other Information

Photographs were not deemed necessary and there is no other pertinent information to report at this point in time.



4 Certifications

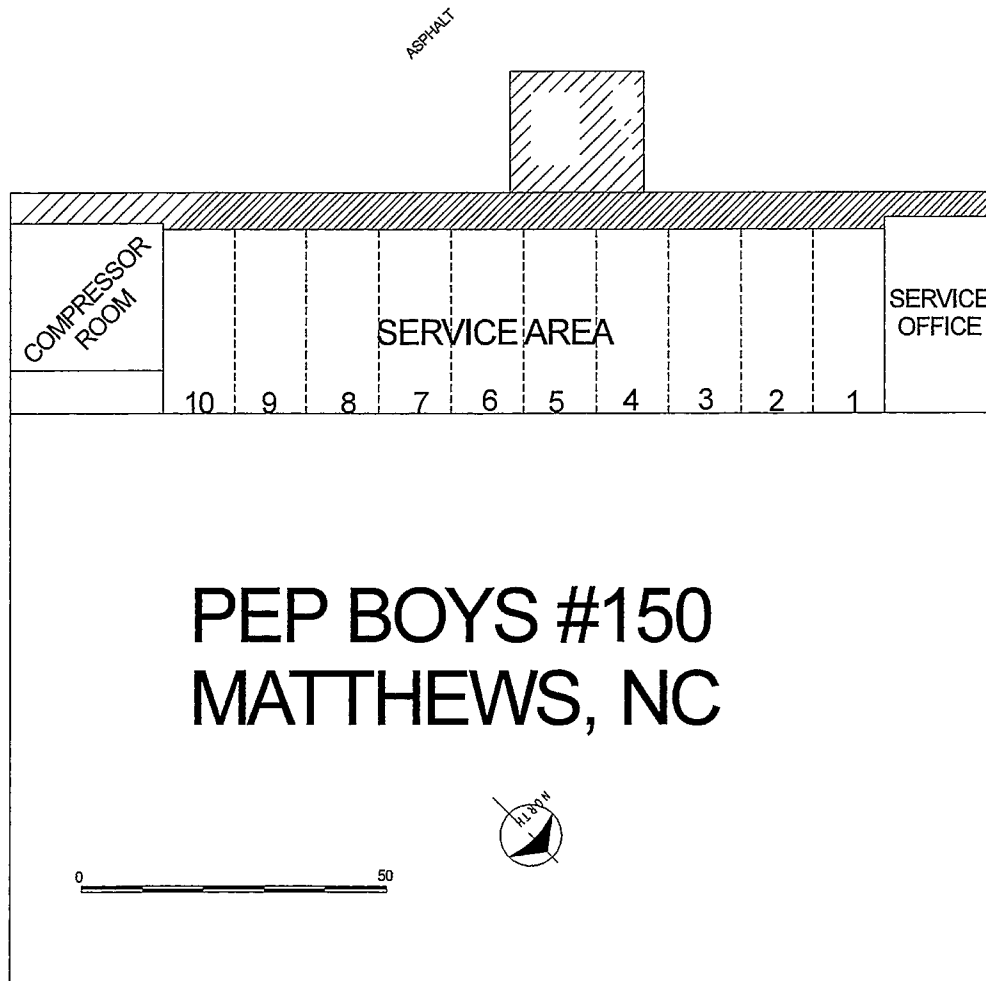
The requisite certifications are contained in Appendix A.



Hammonton, New Jersey
609-704-9990

Figure 1: Regional Site Location Map


 Project North	Pep Boys #150 9415 E. Independence Boulevard Matthews, North Carolina	 Magnetic North
Prepared by: EGK		Scale: 1:24,000 Date: 11/25/08



INDEPENDENCE BOULEVARD



Hammonton, New Jersey
609-704-9990

Figure 2: SITE MAP			
 Project North	Pep Boys Store #150 1951 E. Independence Blvd Matthews, North Carolina		
	Prepared by: EGK		Scale: 1" = 30'
		Date: 01/08/07	

REMEDIATING PARTY DOCUMENT CERTIFICATION STATEMENT (.0306(b)(2)):

"I certify under penalty of law that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material and information contained herein is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information."

Tracy Hasson
(Name of Remediating Party Official)

* [Signature]
(Signature of Remediating Party Official)

* 10/13/10
Date

Pennsylvania (Enter State)
Philadelphia COUNTY

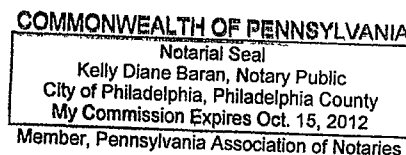
I, Kelly Diane Baran, a Notary Public of said County and State, do hereby certify that Tracy Hasson did personally appear and sign before me this day, produced proper identification in the form of personally known, was duly sworn or affirmed, and declared that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is true and accurate, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal this 13th day of October, 2010.

Kelly Diane Baran
Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: 10/15/12.



REGISTERED SITE MANAGER DOCUMENT CERTIFICATION STATEMENT (.0306(b)(1)):

"I certify under penalty of law that I am personally familiar with the information contained in this submittal, including any and all supporting documents accompanying this certification, and that the material and information contained herein is, to the best of my knowledge and belief, true, accurate and complete and complies with the Inactive Hazardous Sites Response Act G.S. 130A-310, et seq, and the remedial action program Rules 15A NCAC 13C .0300. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information."

PHIL RAHN

(Name of Registered Site Manager)

* [Signature]

(Signature of Registered Site Manager)

* 10.20.10

Date

NC

(Enter State)

Wake

COUNTY

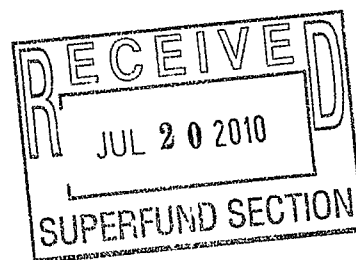
I, Ryan Clayton, a Notary Public of said County and State, do hereby certify that Phil Rahn did personally appear and sign before me this day, produced proper identification in the form of NCLDL, was duly sworn or affirmed, and declared that, he or she is the duly authorized environmental consultant of the remediating party of the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is true and accurate, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal this 20th day of October, 2010.

[Signature]
Notary Public (signature)

My commission expires: 10/29/2012





REC-LEAD

**July 2010 Quarterly Status Report
Pep Boys #150 Facility
Matthews, North Carolina
July 10, 2010**

Prepared for

**Pep Boys- Manny, Moe & Jake
c/o The EC Group
Hammonton, New Jersey**

Prepared by

**Waters Edge Environmental, LLC
Raleigh, North Carolina**



WATERS EDGE ENVIRONMENTAL, LLC

4901 WATERS EDGE DRIVE, SUITE 201 • RALEIGH, NC 27606 • PHONE 919.859.9987 • FAX 919.859.9930

July 10, 2010

Mr. Keith Rodgers - NCDENR REC Program
Inactive Hazardous Sites Branch
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605

Reference: July 2010 Quarterly Status Report
Pep Boys #150 Facility
Matthews, North Carolina
Waters Edge Job No. R9-02
Docket Number 09-SF-287

Dear Mr. Rodgers:

Waters Edge Environmental, LLC (Waters Edge) is submitting herewith the attached July 2010 REC Quarterly Status Report for the Pep Boys facility located in Matthews, North Carolina.

If you have any questions or require any additional information, please contact me at 919.859.9987.

Sincerely,

WATERS EDGE ENVIRONMENTAL, LLC

Phillip L. Rahn PG
President

cc: Ms. Tracy Hason- The Pep Boys- Manny, Moe & Jack
Mr. Ed Keebler- EC Group

10-074/PLR

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2	Site Location Map

Appendices

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A	Certifications

**July 2010 Quarterly Progress Report
Pep Boys #150 Facility
Matthews, North Carolina
July 10, 2010**

1 Quarterly Status Report

The site is in an assessment phase, and no remedial action has been completed to date for the above-mentioned Pep Boys #150 facility located in Matthews, North Carolina (see Figures 1 and 2). We have had some delays due to miscommunications between the client and the RSM which have been resolved and we will be submitting the Remedial Investigation (RI) Work Plan by the end of August 2010. At that point, we would conclude that work is progressing in a manner to achieve the mandatory work phase completions.

2 Contact Names for Future Work

The contact names for the Pep Boys #150 project are as follows:

RSM

Mr. Phillip Rahn
4901 Waters Edge Drive
Suite 201
Raleigh, North Carolina 27606
919.859.9987

Consultant

Mr. Ed Keebler
EC Group
201 East Orchard Street
Hammonton, N.J. 08037
609.704.9990

REC

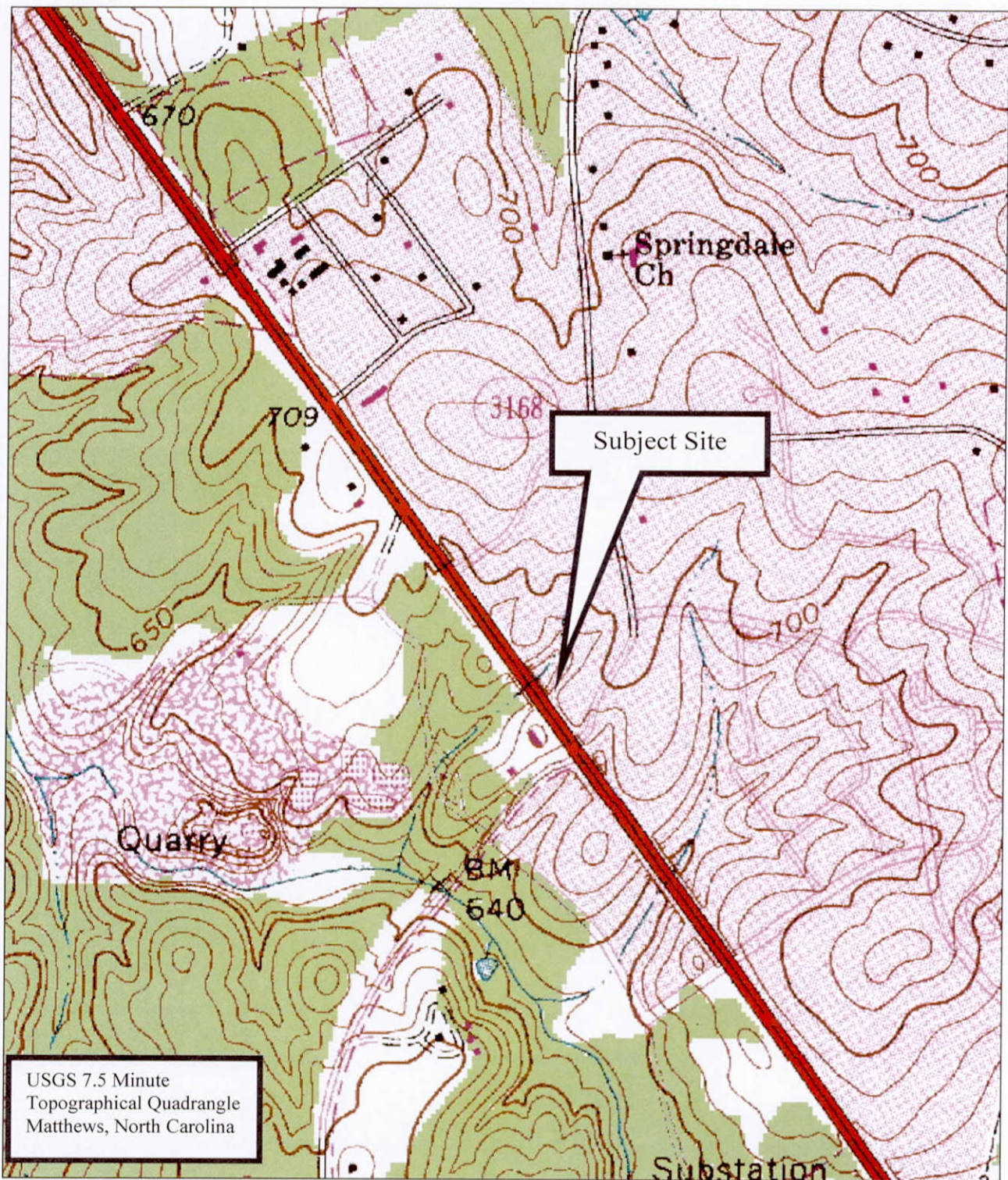
Waters Edge Environmental LLC

3 Notes/Photographs or Other Information



Photographs were not deemed necessary and there is no other pertinent information to report at this point in time.

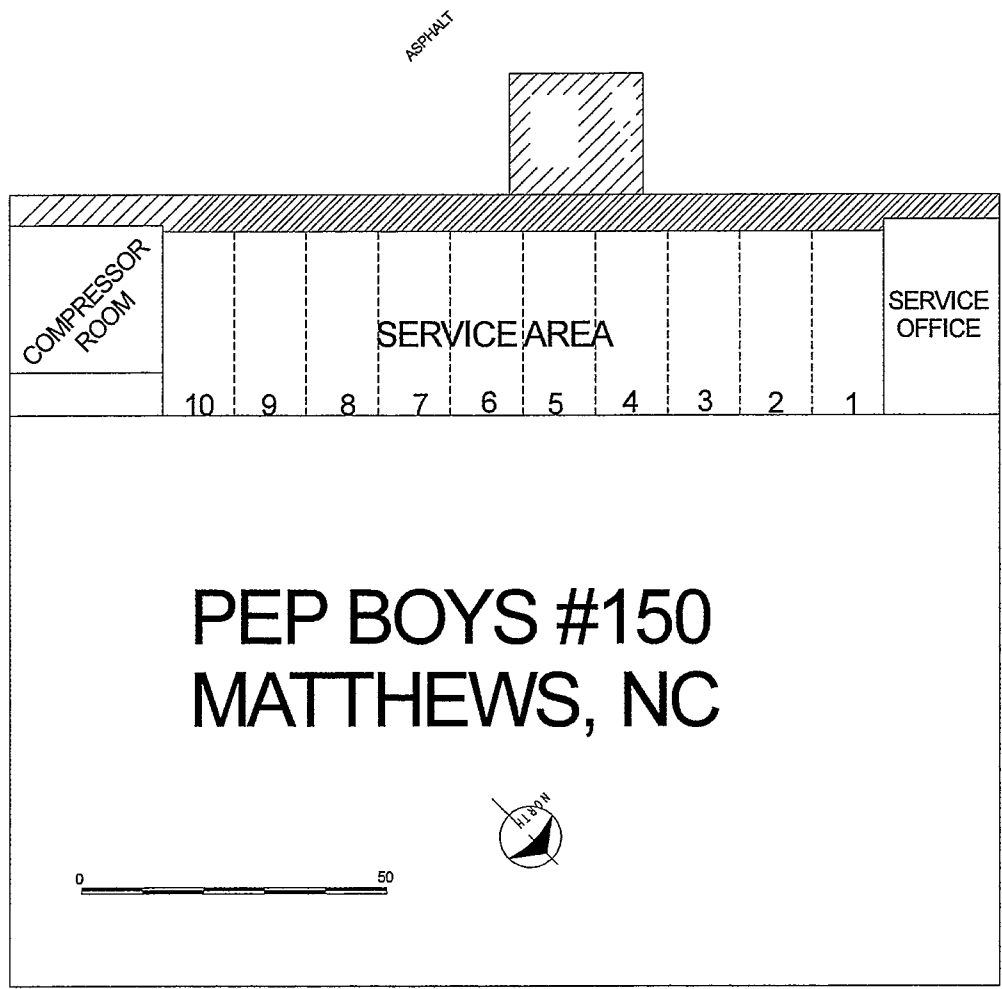
4 Certifications

The requisite certifications are contained in Appendix A.



Hammonton, New Jersey
609-704-9990


Figure 1: Regional Site Location Map		
 Project North	Pep Boys #150 9415 E. Independence Boulevard Matthews, North Carolina	 Magnetic North
Prepared by: EGK		Scale: 1:24,000
		Date: 11/25/08



INDEPENDENCE BOULEVARD



Hammonton, New Jersey
609-704-9990

Figure 2: SITE MAP		
 Project North	Pep Boys Store #150 1951 E. Independence Blvd Matthews, North Carolina	
	Prepared by: EGK	Scale: 1" = 30' Date: 01/08/07

REMEDIATING PARTY DOCUMENT CERTIFICATION STATEMENT (.0306(b)(2)):

"I certify under penalty of law that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material and information contained herein is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information."

Brian D. Zuckerman, SVP, General Counsel & Secretary
(Name of Remediating Party Official)



* [Signature]
(Signature of Remediating Party Official)

* 7/14/10
Date

Pennsylvania (Enter State)
Philadelphia COUNTY

I, Kelly Diane Baran, a Notary Public of said County and State, do hereby certify that Brian D. Zuckerman did personally appear and sign before me this day, produced proper identification in the form of Drivers License, was duly sworn or affirmed, and declared that, to the best of his ~~or her~~ knowledge and belief, after thorough investigation, the information contained in the above certification is true and accurate, and he ~~or she~~ then signed this Certification in my presence.

WITNESS my hand and official seal this 14th day of July, 2010.

Kelly Diane Baran
Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: 10/15/12

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kelly Diane Baran, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires Oct. 15, 2012
Member, Pennsylvania Association of Notaries



REGISTERED SITE MANAGER DOCUMENT CERTIFICATION STATEMENT (.0306(b)(1)):

"I certify under penalty of law that I am personally familiar with the information contained in this submittal, including any and all supporting documents accompanying this certification, and that the material and information contained herein is, to the best of my knowledge and belief, true, accurate and complete and complies with the Inactive Hazardous Sites Response Act G.S. 130A-310, et seq, and the remedial action program Rules 15A NCAC 13C .0300. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information."

(Name of Registered Site Manager)

* _____
(Signature of Registered Site Manager)

* _____
Date

(Enter State)

COUNTY

I, _____, a Notary Public of said County and State, do hereby certify that _____ did personally appear and sign before me this day, produced proper identification in the form of _____, was duly sworn or affirmed, and declared that, he or she is the duly authorized environmental consultant of the remediating party of the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is true and accurate, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal this _____ day of _____, _____.

Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: _____.



REGISTERED SITE MANAGER DOCUMENT CERTIFICATION STATEMENT (.0306(b)(1)):

"I certify under penalty of law that I am personally familiar with the information contained in this submittal, including any and all supporting documents accompanying this certification, and that the material and information contained herein is, to the best of my knowledge and belief, true, accurate and complete and complies with the Inactive Hazardous Sites Response Act G.S. 130A-310, et seq, and the remedial action program Rules 15A NCAC 13C .0300. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information."

PHILLIP RAHN

(Name of Registered Site Manager)

* [Signature]

(Signature of Registered Site Manager)

* 7.20.10

Date

North Carolina

(Enter State)

Franklin

COUNTY

I, Susan A. Carroll, a Notary Public of said County and State, do hereby certify that Phillip Rahn did personally appear and sign before me this day, produced proper identification in the form of NC Drivers License, was duly sworn or affirmed, and declared that, he or she is the duly authorized environmental consultant of the remediating party of the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is true and accurate, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal this 20th day of July, 2010.

Susan A. Carroll
Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: 10/07/10.





North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

April 6, 2009

~~STATE FILE~~

Ms. Tracy Hason
The Pep Boys – Manny, Moe, & Jack
3111 West Allegheny Avenue
Philadelphia, PA 19132-1197

REC-LEAD

Re: Executed REC Administrative Agreement
Pep Boys #150
Matthews, Mecklenburg County, NC
Site ID No. NONCD0002810

Dear Ms. Hason:

I have enclosed a copy of the executed Registered Environmental Consultant (REC) Administrative Agreement (AA) for the above referenced site. The effective date of the AA is April 3, 2009. By signing the AA, both the Remediator and the REC have acknowledged that the REC is fully accountable for complying with 15A NCAC 13C .0300 including the deadlines that are established upon execution of this AA and the standards of conduct for RECs in Section .0305(b). The first quarterly letter status report required by Section III.E of the AA is due July 15, 2009.

If you have any questions, please feel free to contact me.

Sincerely,

Kim T. Caulk
REC Program
Inactive Hazardous Sites Branch
Superfund Section

Enclosure

cc: Mr. Phil Rahn, Waters Edge Environmental (w/ enclosure)
Mr. Edward Keebler, The EC Group (w/ enclosure)

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SUPERFUND SECTION

~~STATE FILE~~

IN RE: PEP BOYS #150
 NONCD 0002810
 MATTHEWS, NORTH CAROLINA
 MECKLENBURG COUNTY

ADMINISTRATIVE AGREEMENT
FOR REGISTERED ENVIRONMENTAL
CONSULTANT-DIRECTED ASSESSMENT
AND REMEDIAL ACTION PURSUANT TO
N.C.G.S. 130A-310.9(c) and 15A NCAC 13C .0300.

REC-LEAD

DOCKET NUMBER 09-SF-287

I. STATEMENT OF PURPOSE

The purpose of this Administrative Agreement (Agreement) is to provide for implementation by The Pep Boys (the Remediator) of a voluntary remedial action program pursuant to N.C.G.S. 130A-310.9(c) and 15A NCAC 13C .0300 at the site defined in Section II. A. of this Agreement.

II. STIPULATIONS OF FACT

A. The "Site" is the property located at 9415 E. Independence Boulevard, Matthews, Mecklenburg County, North Carolina and currently owned by The Pep Boys and any additional area which has become contaminated as a result of hazardous substances or waste disposed or discharged at that property.

B. The Site is an inactive hazardous substance or waste disposal site within the meaning of N.C.G.S. 130A-310(3).

III. WORK TO BE PERFORMED

A. The Remediator shall conduct a voluntary remedial action at the Site in accordance with the provisions of N.C.G.S. 130A-310.9(c), 15A NCAC 13C .0300, and the "Registered Environmental Consultant Program Implementation Guidance" of the North Carolina Division of Waste Management (the Division). The voluntary remedial action shall include the remediation of any hazardous substances as defined in G.S. 130A-310(2) and any contaminants as defined in 15A NCAC 2L present at the Site.

B. Within thirty-six (36) months after the execution of this Agreement, the Remediator shall complete a remedial investigation at the Site which complies with the provisions of 15A NCAC 13C .0300 including, but not limited to, .0302(f), .0302(k)-(p), .0306(c)-(h) and .0306(q). For any requirement that has already been met, the Remediator shall specify the location within the document(s) on file with the Superfund Section that show(s) that the requirement has been met. The remedial investigation shall not be considered complete until the Remediator has submitted a remedial investigation report and completion statement, both certified in accordance with .0306(b) by the REC and the Remediator.

C. Within twenty-four (24) months of completion of the remedial investigation or within sixty (60) months after the execution of this Agreement, whichever is earlier, the Remediator shall initiate groundwater remedial action at the Site in compliance with the provisions of 15A NCAC 13C .0300 including, but not limited to, .0302(f), .0302(k) - (p), .0306(c) - (d) and .0306(i) - (n). For any requirement that has already been met, the Remediator shall specify the location within the document(s) on file with the Superfund Section that show(s) that the requirement has been met. Groundwater remedial action shall be considered initiated only upon the submission to the Division of the groundwater remedial action construction completion report, certified in accordance with .0306(b) by the REC and the Remediator, and upon commencement of the actual operation of the remedial system.

D. Within ninety-six (96) months after the execution of this Agreement, the Remediator shall complete, for wastes, soils, surface water and sediments at the Site, a remedial action which complies with the provisions of 15A NCAC 13C .0300 including, but not limited to, .0302(f), .0302(k) - (p), .0306(c) - (d), .0306(i) - (n) and .0308. For any requirement that has already been met, the Remediator shall specify the location within the document(s) on file with the Superfund Section that show(s) that the requirement has been met. The remedial action for wastes, soils, surface water and sediments shall not be considered complete until the Remediator has submitted, for these media, a remedial action completion report and work phase completion statement, both certified in accordance with .0306(b) by the REC and the Remediator.

E. The Remediator shall submit quarterly letter status reports on or before the 15th day of January, April, July and October of each year until such time as the REC has prepared and submitted certified completion statements for all contaminated media pursuant to 15A NCAC 13C .0306(b)(5)(D). Each quarterly status report must summarize, in one to two paragraphs, work performed since the last quarterly status report. These status reports must include a statement confirming work is progressing in a manner to achieve the mandatory work phase completion deadlines set out in 15A NCAC 13C .0302(h). These status reports must be certified in accordance with .0306(b) by the REC assigned to this project and the Remediator. A quarterly letter status report may be incorporated with another document such as a remedial investigation work plan, a remedial investigation report, a remedial action plan, etc. if such other document is submitted at the time when a quarterly letter status report is due. Once the REC has prepared and submitted certified completion statements for all contaminated media

pursuant to 15A NCAC 13C .0306(b)(5)(D), quarterly letter status reports under this paragraph shall be supplanted with the requirements of progress reporting of remedial action implementation pursuant to 15A NCAC 13C .0306(o).

F. If there is groundwater contamination at the Site, the Remediator shall install and monitor sentinel groundwater monitoring wells or utilize existing wells that serve this purpose such that groundwater monitoring data obtained from ongoing monitoring activities will accurately monitor the migration of any contamination at the Site toward any drinking water or production water well that is known to be present within a one-thousand (1000) feet of the detectible perimeter of the groundwater contamination at the Site. The Remediator shall notify the Division within twenty-four (24) hours of the time when the Remediator or the Remediator's REC discovers that a sentinel groundwater monitoring well has detectable concentrations of any contamination.

G. After completing the inventory of all identifiable wells used as sources of potable water pursuant to 15A NCAC 13C .0306(g)(6), if any new drinking water wells are installed within one-thousand five-hundred (1500) feet of the Site property boundaries, the Remediator and/or the Remediator's REC shall notify the Division within twenty-four (24) hours of the time when the Remediator and/or the Remediator's REC discovers or otherwise finds out about such wells during the normal course of work for the project.

H. If hazardous substances as defined in G.S. 130A-310(2) or other contaminants as defined in 15A NCAC 2L for which the Remediator is responsible have affected any drinking water wells, the Remediator shall, within a time period established by the Division, provide an alternate drinking water source for users of those wells.

I. The Remediator shall ensure that remedial action progress reports are prepared in accordance with 15A NCAC 13C .0306(o).

IV. ADDITIONAL PROVISIONS

A. All work performed pursuant to this Agreement shall be under the direction and supervision of the Division-approved REC specified in Attachment A, in accordance with 15A NCAC 13C .0302(f).

B. All work plans, reports, completion statements and project schedules prepared pursuant to this Agreement shall be certified by a representative of the Remediator in accordance with 15A NCAC 13C .0306(a) and .0306(b)(2).

C. In the event that the REC specified in Attachment A ceases to serve in that capacity at the Site or is disqualified as an REC by the Division, the Remediator's voluntary remedial action status shall be subject to revocation if the Remediator fails to propose a replacement REC within sixty (60) days, in accordance with 15A NCAC 13C .0302(n).

D. The Remediator shall pay an annual administration fee to the Division, in accordance with 15A NCAC 13C .0307(c), to help offset the costs of the Division's audits of voluntary remedial actions.

E. In the event that the Agreement is terminated, the Remediator and/or REC shall, within thirty (30) days, submit to the Division a summary report that includes all information and data that has been collected pursuant to 15A NCAC 13C .0306(h), (n), (o), or (p). Certification of the report shall be provided in accordance with 15A NCAC 13C .0306(b)(1) and (2).

F. This is a voluntary agreement. If the Remediator elects to discontinue implementation of work under this Agreement, the Remediator shall notify the Division in writing of such intent, and this Agreement shall be dissolved upon the Division's receipt of such written notice. If the Division determines that the Remediator is not complying with the terms of this Agreement in a timely manner, the Division may notify the Remediator in writing of such determination, and the Agreement shall be dissolved upon the Remediator's receipt of such written notice. In either of these events, neither party may seek judicial review of the dissolution of this Agreement or has any right, claim or action for breach of this Agreement. In either of these events, the Division shall retain all its applicable enforcement rights against the Remediator, and the Remediator shall retain all applicable defenses.

G. Pursuant to 15A NCAC 13C .0302(g), the Division shall have complete discretion to effect cleanup itself, or directly oversee a Remediator's cleanup, if the Division determines that the site poses an imminent hazard, if there is significant public concern, if the Division has initiated an enforcement action, if the Division is concerned about material misrepresentations or environmental non-compliance on the part of a party seeking to effect or effecting remedial action at a site pursuant to this Section, if hazardous substances have migrated to adjoining property, or if other conditions, such as the presence of sensitive environments or mixed wastes (commingled radioactive and chemical wastes), so warrant.

The effective date of this Agreement shall be the date on which it is executed by Jack R. Butler.

Date Executed: April 3, 2009

By: Jack R. Butler
Jack R. Butler, P.E.
Chief, Superfund Section
Division of Waste Management
North Carolina Department of Environment
and Natural Resources

By: [Signature]
(Signature of Party Authorized to Bind Remediator)
Brian Zuckerman, VP, General Counsel & Secretary
(Typed or Printed Name of Signatory, Title)



The Peoples-Manning, More & Pich, a PA Corporation
(Typed or Printed Name of Company)

North Carolina Department of Environment
and Natural Resources
Division of Waste Management
Superfund Section

Attachment A to
Administrative Agreement
for Registered Environmental
Consultant-Directed Assessment
and Remedial Action Pursuant to
N.C.G.S. 130A-310.9(c) and
15A NCAC 13C .0300.

Docket No. 09-SF-87

We hereby certify that the Remediator has retained the undersigned Division-approved Registered Environmental Consultant (REC) to implement and oversee a voluntary remedial action at the Site pursuant to N.C.G.S. 130A-310.9(c) and 15A NCAC 13C .0300, and that the undersigned Division-approved Registered Site Manager (RSM) shall serve as RSM for the voluntary remedial action.

The undersigned Remediator agrees to indemnify and save and hold harmless the State of North Carolina and its agencies, departments, officials, agents, employees, contractors and representatives, from any and all claims or causes of action arising from or on account of acts or omissions of the Remediator or its officers, employees, receivers, trustees, agents or assigns in carrying out actions required pursuant to the Agreement which incorporates this Attachment A (this Agreement). The undersigned REC agrees to indemnify and save and hold harmless the State of North Carolina and its agencies, departments, officials, agents, employees, contractors and representatives, from any and all claims or causes of action arising from or on account of acts or omissions of the REC or its officers, employees, receivers, trustees, agents or assigns in carrying out actions required pursuant to the Agreement which incorporates this Attachment A. Neither the State of North Carolina nor any agency or representative thereof shall be held to be a party to any contract involving the Remediator relating to the Site excluding, however, this Agreement.

The Remediator affirms that the REC has been provided a full and complete copy of this Agreement prior to signature. The undersigned REC representatives affirm that they have received, read, and intend to comply with the provisions of this Agreement. Both the Remediator and REC acknowledge that the REC is fully accountable for complying with 15A NCAC 13C .0300 including the deadlines established upon execution of this Agreement.

Remediator:



(Signature Party Authorized to Bind Remediator) (Date)

Brian Evenden, VP, Secretary & General Counsel
(Typed or Printed Name of Signatory, Title)

The Pep Boys - Manny, Moe & Jack, a PA Corporation
(Typed or Printed Name of Company)

Registered Environmental Consultant:

Phillip Rahn
(Signature of REC Owner, Partner, or Corporate Officer) (Date)

PHILLIP RAHN
(Typed or Printed Name of Signatory, Title)

WATERS EDGE ENVIRONMENTAL
(Typed or Printed Name of REC Firm)

Registered Site Manager:

Phillip Rahn 3.26.09
(RSM Signature) (Date)

PHILLIP RAHN
(Typed or Printed Name of RSM)



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

January 22, 2009

Ms. Tracy Hason
The Pep Boys – Manny, Moe, & Jack
3111 West Allegheny Avenue
Philadelphia, PA 19132-1197

STATE FILE

Re: Final REC Administrative Agreement
Pep Boys #150
Matthews, Mecklenburg County, NC
Site ID No. NONCD0002810

Dear Mr. Hanson:

The Inactive Hazardous Sites Branch (Branch) is forwarding a final Administrative Agreement (AA) for a Registered Environmental Consultant (REC)-directed, voluntary assessment and remedial action for the above referenced Site. The original, final AA must be signed by both the remediating party (RP) and REC and returned to me for execution by the Division of Waste Management (DWM). Note that the RP must sign the AA in two (2) locations. After it is executed, a copy of the AA will be returned for your records. Be aware, when the AA is signed, both the RP and REC will be acknowledging that the REC is fully accountable for complying with the REC Rules (15A NCAC 13C .0300) including the deadlines established upon execution of the AA and the standards of conduct for RECs in Section .0305(b).

If you have any questions, please contact me by phone at (919) 508-8451 or e-mail at Kim.Caulk@ncmail.net.

Sincerely,

Kim T. Caulk
REC Program
Inactive Hazardous Sites Branch
Superfund Section

Enclosure

cc: Mr. Phil Rahn, Waters Edge Environmental (w/out enclosure)
Mr. Edward Keebler, The EC Group (w/o enclosure)

Subject: RE: Draft REC-AA for Pep Boys #150
From: "Ed Keebler" <ekeebl@ecgroupllc.com>
Date: Mon, 12 Jan 2009 10:16:59 -0500
To: "Kim T. Caulk" <Kim.Caulk@ncmail.net>

STATE FILE

Kim,

Pep Boys legal has reviewed the Draft REC-AA and has no comments. Could you please finalize and send to them for signature?

Thanks,



Edward Keebler, Director
The EC Group
Hammon, NJ - Garden Grove, CA - Frankfort, KY
www.ECGroupllc.com

201 East Orchard Street
Hammon, New Jersey 08037
609-704-9990

This e-mail message is intended only for the named recipient(s) above. It may contain confidential information that is privileged or that constitutes firm work product. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachment(s) is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender at 609-704-9990 or by replying to this e-mail and deleting the message and any attachment(s) from your system. Thank you.

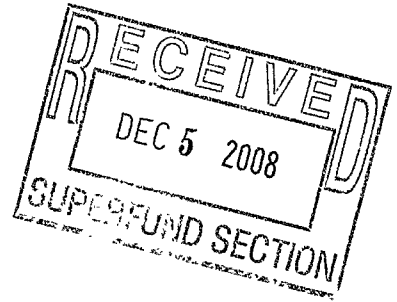
-----Original Message-----

From: Kim T. Caulk [mailto:Kim.Caulk@ncmail.net]
Sent: Wednesday, December 03, 2008 3:32 PM
To: Ed Keebler; Tracy Hasson
Cc: ANNA JONES
Subject: Draft REC-AA for Pep Boys #150

Attached is a **draft** Administrative Agreement (AA) for a Registered Environmental Consultant (REC)-directed assessment and remedial action for the above Site (Site). **Be aware that the REC-AA is a standard document prepared by the attorney general's office. The majority of the AA comes from the REC Rules and the Inactive Hazardous Sites Response Act and, therefore, the contents cannot be changed.** The Remediating

K & K REAL ESTATE
5412 Central Avenue
Charlotte, NC 28212
704-535-7584

STATE FILE



December 3, 2008

Mr. Kim T. Caulk
REC Program
Superfund Section
North Carolina Division of Waste Management
401 Oberlin Road, Suite 150
Raleigh, NC 27605

Re: Pep Boys Store #150, Matthews, NC

Dear Sir:

We received your Notice of Administrative Agreement for the referenced location. Since we do have tenants in the location of the clean-up activities, we would be interested in further information.

We would be most interested in learning what hazardous substances are being cleaned up and whether there is any possibility they could have migrated beyond the clean-up site.

Thanking you in advance for your response, I remain

Very truly yours,

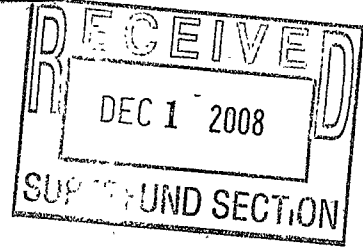
Wendy J. Porter

Wendy J. Porter, RPA
Leasing Agent

12/8/08
Per wendy, keep on mailing list.
Told her to contact Edward Keeler
of the EC group to get more
information. KCE



Kim T. Caulk, P.G.
Inactive Hazardous Sites Branch - REC Program
NCDENR - Division of Waste Management
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605



Reference: Pep Boys #150
Mattews, Mecklenburg County, NC
NONCD0002801

STATE FILE

Dear Ms. Caulk:

Enclosed please find Pep Boys Check #2002037 in the amount of \$2,500.00 for fees for the entry of the referenced site in the REC program.

If you have any questions, or require any additional information, please feel free to contact us at any time.

Sincerely,

The EC Group, LLC

Edward G. Keebler
Director

Subject: Draft REC-AA for Pep Boys #150
From: "Kim T. Caulk" <Kim.Caulk@ncmail.net>
Date: Wed, 03 Dec 2008 15:32:06 -0500
To: Ed Keebler <ekeebl@ecgroupllc.com>, Tracy Hasson <tracy_hasson@pepboys.com>
CC: ANNA JONES <Anna.Jones@ncmail.net>

STATE FILE

Attached is a **draft** Administrative Agreement (AA) for a Registered Environmental Consultant (REC)-directed assessment and remedial action for the above Site (Site). **Be aware that the REC-AA is a standard document prepared by the attorney general's office. The majority of the AA comes from the REC Rules and the Inactive Hazardous Sites Response Act and, therefore, the contents cannot be changed.** The Remediating Party and REC should carefully review this document to make sure the information on the front page is correct and contact me to let me know if you are satisfied with the draft document or if there are any questions. **PLEASE DO NOT SIGN THE DRAFT AA AND MAIL IT TO THE INACTIVE HAZARDOUS SITES BRANCH (Branch).** If you are satisfied with the terms specified in the agreement, the Branch will prepare a final AA, assign a docket number, and mail it to you for signature.

Section III of the AA specifies the work to be performed. Be aware that for any site that enters the REC Program, the RP along with its designated RSM must make sure that all requirements for a particular phase of work specified in the REC Rules [see .0306(b)(5)] such as a remedial investigation work plan, remedial investigation report, remedial action plan, etc. have been completed and the document components required by the REC Rules have been addressed. Procedures for preparing these documents are described in the REC Program Implementation Guidance (Guidance) which can be found on our web site at <http://www.wastenotnc.org/sfhome/RECGuidance.pdf>. As indicated in Section III of the AA, for any requirement that has already been completed, the RP and REC can specify the location within the document(s) on file with the Superfund Section that indicates the requirement has already been met. Also be aware that all future work plans, report documents, and work phase completion statements that are submitted must be certified in accordance with .0306(b). If you believe unique circumstances exist regarding any of the required documents or the procedures described in the Guidance, please contact me.

By law the Department of Environment and Natural Resources must allow a 30-day public comment period for the proposed AA prior to its execution. The required public notice has begun using information that was provided to the Branch. The notice ends January 9, 2009.

In order to participate in the REC Program, an annual administrative fee that is used by the state to offset the costs for auditing REC sites is required. The initial fee, which is due upon entering the REC Program, is \$2,500.00 and must be received by the Branch before the AA can be executed. The fee for the Site has already been received. Note that there will be a similar fee each year until the remediation at the Site is complete. The annual fee is based on the number of sites in the REC Program each year and the state's projected costs for overseeing the REC Program.

If you have any questions, please contact me by phone at (919) 508-8451 or e-mail at Kim.Caulk@ncmail.net.

Kim T. Caulk, P.G.
Inactive Hazardous Sites Branch - REC Program
NCDENR - Division of Waste Management
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605
Phone: (919) 508-8451
Fax: (919) 733-4811
e-mail: kim.caulk@ncmail.net

Pepboys.RECAA.11.08.doc	Content-Type: application/msword
	Content-Encoding: base64

STATE FILE

NOTICE OF ADMINISTRATIVE AGREEMENT

**Pep Boys Store #150
Matthews, Mecklenburg County, North Carolina**

The North Carolina Division of Waste Management (Division) is soliciting public comment on an Administrative Agreement (Agreement) that the Division intends to enter into with The Pep Boys (the Remediator). The Remediator plans to conduct a voluntary cleanup of hazardous substances at the Pep Boys Store #150, 9415 E. Independence Boulevard, Matthews, Mecklenburg County, North Carolina. This voluntary remedial action will be conducted pursuant to N.C.G.S. 130A-310.9(b) and -310.9(c). Voluntary remedial actions implemented pursuant to N.C.G.S. 130A-310.9(c) are directed by Department-designated "Registered Environmental Consultants" in place of state oversight.

The complete file and a copy of the Agreement can be viewed at the following location:

NC Division of Waste Management
401 Oberlin Rd. - Suite 150
Raleigh, North Carolina 27605

Hours (by appointment only):
Monday - Friday 8:00 am - 5:00 pm
To schedule an appointment, contact Mr. Scott Ross
at (919) 508-8475

To receive an electronic copy of the draft Agreement or to provide comments or questions regarding the draft Agreement or the role of the Registered Environmental Consultant for this site, contact:

MR. KIM T. CAULK
REC PROGRAM
SUPERFUND SECTION
NORTH CAROLINA DIVISION OF WASTE MANAGEMENT
401 OBERLIN ROAD, SUITE 150
RALEIGH, NC 27605
(919) 508-8400

This Notice has been prepared for parties in the general area that may be interested in the cleanup activities at the Site. All comments on the draft Agreement must be received no later than January 9, 2009.

**Pep Boys Store #150
Matthews, Mecklenburg County, North Carolina**

STATE FILE

Mailing List:

MR KIM T CAULK
NC DENR
DIVISION OF SOLID WASTE MANAGEMENT
SUPERFUND SECTION
REC PROGRAM
401 OBERLIN ROAD SUITE 150
RALEIGH NC 27605

THE PEP BOYS – MANNY MOE AND JACK
3111 WEST ALLEGHENY AVENUE
PHILADELPHIA PA 19132

HAZEN BLODGETT
MATTHEWS TOWN MANAGER
232 MATTHEWS STATION STREET
MATTHEWS NC 28105

E WINTERS MABRY MD
MECKLENBURG COUNTY HEALTH
DEPARTMENT
249 BILLINGSLEY ROAD
CHARLOTTE NC 28211

WILLIAM AND ANNE PLEASANTS
PO BOX 18624
CHARLOTTE NC 28218

INVESTMENTS LLC EIP
5412 CENTRAL AVENUE
CHARLOTTE NC 28212

12/8/08
Per Wendy Porter, please
keep on mailing list.
HT

TAE KYU PARK AND OH SEAN
8908 MAGNOLIA HEIGHTS COURT
CHARLOTTE NC 28270

EAST INDEPENDENCE PROPERTY
C/O DR FLETCHER KEITH
4016 TRIANGLE DRIVE
CHARLOTTE NC 28208

WESTERN AUTO SUPPLY CO
C/O ADVANCE AUTO PARTS
PO BOX 2710
ROANOKE VA 24001

REALTY INCOME CORPORATION
PO BOX 460069
ESCONDIDO CA 92046

OHM HOTELS MATTHEWS LLC
ATTN ALKESH PATEL
9705 LEITNER DRIVE
PINEVILLE NC 28134

LLC CMC ACQUISITION COMPANY
C/O DAVE E PARSONS
6600 AAA DRIVE
CHARLOTTE NC 28212

STATE FILE

DOCKET NUMBER _____-SF-_____

B. Within thirty-six (36) months after the execution of this Agreement, the Remediator shall complete a remedial investigation at the Site which complies with the provisions of 15A NCAC 13C .0300 including, but not limited to, .0302(f), .0302(k)-(p), .0306(c)-(h) and .0306(q). For any requirement that has already been met, the Remediator shall specify the location within the document(s) on file with the Superfund Section that show(s) that the requirement has been met. The remedial investigation shall not be considered complete until the Remediator has submitted a remedial investigation report and completion statement, both certified in accordance with .0306(b) by the REC and the Remediator.

C. Within twenty-four (24) months of completion of the remedial investigation or within sixty (60) months after the execution of this Agreement, whichever is earlier, the Remediator shall initiate groundwater remedial action at the Site in compliance with the provisions of 15A NCAC 13C .0300 including, but not limited to, .0302(f), .0302(k) - (p), .0306(c) - (d) and .0306(i) - (n). For any requirement that has already been met, the Remediator shall specify the location within the document(s) on file with the Superfund Section that show(s) that the requirement has been met. Groundwater remedial action shall be considered initiated only upon the submission to the Division of the groundwater remedial action construction completion report, certified in accordance with .0306(b) by the REC and the Remediator, and upon commencement of the actual operation of the remedial system.

D. Within ninety-six (96) months after the execution of this Agreement, the Remediator shall complete, for wastes, soils, surface water and sediments at the Site, a remedial action which complies with the provisions of 15A NCAC 13C .0300 including, but not limited to, .0302(f), .0302(k) - (p), .0306(c) - (d), .0306(i) - (n) and .0308. For any requirement that has already been met, the Remediator shall specify the location within the document(s) on file with the Superfund Section that show(s) that the requirement has been met. The remedial action for wastes, soils, surface water and sediments shall not be considered complete until the Remediator has submitted, for these media, a remedial action completion report and work phase completion statement, both certified in accordance with .0306(b) by the REC and the Remediator.

E. The Remediator shall submit quarterly letter status reports on or before the 15th day of January, April, July and October of each year until such time as the REC has prepared and submitted certified completion statements for all contaminated media pursuant to 15A NCAC 13C .0306(b)(5)(D). Each quarterly status report must summarize, in one to two paragraphs, work performed since the last quarterly status report. These status reports must include a statement confirming work is progressing in a manner to achieve the mandatory work phase completion deadlines set out in 15A NCAC 13C .0302(h). These status reports must be certified in accordance with .0306(b) by the REC assigned to this project and the Remediator. A quarterly letter status report may be incorporated with another document such as a remedial investigation work plan, a remedial investigation report, a remedial action plan, etc. if such other document is submitted at the time when a quarterly letter status report is due. Once the REC has prepared and submitted certified completion statements for all contaminated media

pursuant to 15A NCAC 13C .0306(b)(5)(D), quarterly letter status reports under this paragraph shall be supplanted with the requirements of progress reporting of remedial action implementation pursuant to 15A NCAC 13C .0306(o).

F. If there is groundwater contamination at the Site, the Remediator shall install and monitor sentinel groundwater monitoring wells or utilize existing wells that serve this purpose such that groundwater monitoring data obtained from ongoing monitoring activities will accurately monitor the migration of any contamination at the Site toward any drinking water or production water well that is known to be present within a one-thousand (1000) feet of the detectible perimeter of the groundwater contamination at the Site. The Remediator shall notify the Division within twenty-four (24) hours of the time when the Remediator or the Remediator's REC discovers that a sentinel groundwater monitoring well has detectable concentrations of any contamination.

G. After completing the inventory of all identifiable wells used as sources of potable water pursuant to 15A NCAC 13C .0306(g)(6), if any new drinking water wells are installed within one-thousand five-hundred (1500) feet of the Site property boundaries, the Remediator and/or the Remediator's REC shall notify the Division within twenty-four (24) hours of the time when the Remediator and/or the Remediator's REC discovers or otherwise finds out about such wells during the normal course of work for the project.

H. If hazardous substances as defined in G.S. 130A-310(2) or other contaminants as defined in 15A NCAC 2L for which the Remediator is responsible have affected any drinking water wells, the Remediator shall, within a time period established by the Division, provide an alternate drinking water source for users of those wells.

I. The Remediator shall ensure that remedial action progress reports are prepared in accordance with 15A NCAC 13C .0306(o).

IV. ADDITIONAL PROVISIONS

A. All work performed pursuant to this Agreement shall be under the direction and supervision of the Division-approved REC specified in Attachment A, in accordance with 15A NCAC 13C .0302(f).

B. All work plans, reports, completion statements and project schedules prepared pursuant to this Agreement shall be certified by a representative of the Remediator in accordance with 15A NCAC 13C .0306(a) and .0306(b)(2).

C. In the event that the REC specified in Attachment A ceases to serve in that capacity at the Site or is disqualified as an REC by the Division, the Remediator's voluntary remedial action status shall be subject to revocation if the Remediator fails to propose a replacement REC within sixty (60) days, in accordance with 15A NCAC 13C .0302(n).

D. The Remediator shall pay an annual administration fee to the Division, in accordance with 15A NCAC 13C .0307(c), to help offset the costs of the Division's audits of voluntary remedial actions.

E. In the event that the Agreement is terminated, the Remediator and/or REC shall, within thirty (30) days, submit to the Division a summary report that includes all information and data that has been collected pursuant to 15A NCAC 13C .0306(h), (n), (o), or (p). Certification of the report shall be provided in accordance with 15A NCAC 13C .0306(b)(1) and (2).

F. This is a voluntary agreement. If the Remediator elects to discontinue implementation of work under this Agreement, the Remediator shall notify the Division in writing of such intent, and this Agreement shall be dissolved upon the Division's receipt of such written notice. If the Division determines that the Remediator is not complying with the terms of this Agreement in a timely manner, the Division may notify the Remediator in writing of such determination, and the Agreement shall be dissolved upon the Remediator's receipt of such written notice. In either of these events, neither party may seek judicial review of the dissolution of this Agreement or has any right, claim or action for breach of this Agreement. In either of these events, the Division shall retain all its applicable enforcement rights against the Remediator, and the Remediator shall retain all applicable defenses.

G. Pursuant to 15A NCAC 13C .0302(g), the Division shall have complete discretion to effect cleanup itself, or directly oversee a Remediator's cleanup, if the Division determines that the site poses an imminent hazard, if there is significant public concern, if the Division has initiated an enforcement action, if the Division is concerned about material misrepresentations or environmental non-compliance on the part of a party seeking to effect or effecting remedial action at a site pursuant to this Section, if hazardous substances have migrated to adjoining property, or if other conditions, such as the presence of sensitive environments or mixed wastes (commingled radioactive and chemical wastes), so warrant.

The effective date of this Agreement shall be the date on which it is executed by Jack R. Butler.

Date Executed: _____

By: _____
Jack R. Butler, P.E.
Chief, Superfund Section
Division of Waste Management
North Carolina Department of Environment
and Natural Resources

By: _____
(Signature of Party Authorized to Bind Remediator)

(Typed or Printed Name of Signatory, Title)

(Typed or Printed Name of Company)

**North Carolina Department of Environment
and Natural Resources
Division of Waste Management
Superfund Section**

**Attachment A to
Administrative Agreement
for Registered Environmental
Consultant-Directed Assessment
and Remedial Action Pursuant to
N.C.G.S. 130A-310.9(c) and
15A NCAC 13C .0300.**

Docket No. ____-SF-____

We hereby certify that the Remediator has retained the undersigned Division-approved Registered Environmental Consultant (REC) to implement and oversee a voluntary remedial action at the Site pursuant to N.C.G.S. 130A-310.9(c) and 15A NCAC 13C .0300, and that the undersigned Division-approved Registered Site Manager (RSM) shall serve as RSM for the voluntary remedial action.

The undersigned Remediator agrees to indemnify and save and hold harmless the State of North Carolina and its agencies, departments, officials, agents, employees, contractors and representatives, from any and all claims or causes of action arising from or on account of acts or omissions of the Remediator or its officers, employees, receivers, trustees, agents or assigns in carrying out actions required pursuant to the Agreement which incorporates this Attachment A (this Agreement). The undersigned REC agrees to indemnify and save and hold harmless the State of North Carolina and its agencies, departments, officials, agents, employees, contractors and representatives, from any and all claims or causes of action arising from or on account of acts or omissions of the REC or its officers, employees, receivers, trustees, agents or assigns in carrying out actions required pursuant to the Agreement which incorporates this Attachment A. Neither the State of North Carolina nor any agency or representative thereof shall be held to be a party to any contract involving the Remediator relating to the Site excluding, however, this Agreement.

The Remediator affirms that the REC has been provided a full and complete copy of this Agreement prior to signature. The undersigned REC representatives affirm that they have received, read, and intend to comply with the provisions of this Agreement. Both the Remediator and REC acknowledge that the REC is fully accountable for complying with 15A NCAC 13C .0300 including the deadlines established upon execution of this Agreement.

Remediator:

(Signature Party Authorized to Bind Remediator) (Date)

(Typed or Printed Name of Signatory, Title)

(Typed or Printed Name of Company)

Registered Environmental Consultant:

(Signature of REC Owner, Partner, or Corporate Officer) (Date)

(Typed or Printed Name of Signatory, Title)

(Typed or Printed Name of REC Firm)

Registered Site Manager:

(RSM Signature) (Date)

(Typed or Printed Name of RSM)

Subject: RE: Pep Boys #150 NONCD0002801

From: "Ed Keebler" <ekeebl@ecgrouppllc.com>

Date: Wed, 19 Nov 2008 10:10:52 -0500

To: "Kim T. Caulk" <Kim.Caulk@ncmail.net>

CC: "Tracy Hasson" <tracy_hasson@pepboys.com>, "ANNA JONES" <Anna.Jones@ncmail.net>

STATE FILE

Kim,

Attached are the site location map and the mailing addresses for the adjacent surrounding property owners.

Any questions, please contact me

Thanks



Edward Keebler, Director

The EC Group

Hammonton, NJ - Garden Grove, CA - Frankfort, KY

www.ECGrouppllc.com

201 East Orchard Street

Hammonton, New Jersey 08037

609-704-9990

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-----Original Message-----

From: Kim T. Caulk [mailto:Kim.Caulk@ncmail.net]

Sent: Wednesday, November 19, 2008 8:35 AM

To: Ed Keebler

Cc: Tracy Hasson; ANNA JONES

Subject: Re: Pep Boys #150 NONCD0002801

Thanks. We will forward a Draft REC-AA as soon as possible. In order for the required public notice to begin, the information in Item 4 of the Procedures for Obtaining a Registered Environmental Consultant Administrative Agreement is needed. The public notice can be performed by the Branch while the AA is being reviewed/finalized. If you do not have the procedures, let me know.

If you have any questions, please contact me.

Regards,

Kim T. Caulk, P.G.

Inactive Hazardous Sites Branch - REC Program

NCDENR - Division of Waste Management

401 Oberlin Road, Suite 150

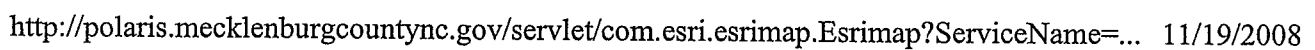
Raleigh, North Carolina 27605

Phone: (919) 508-8451

Fax: (919) 733-4811

e-mail: kim.caulk@ncmail.net

Ed Keebler wrote:



Pep Boys #150
Adjacent Property Owners*

Parcel ID#:19319211 GIS ID#: 19319211

Owner Name: WILLIAM J PLEASANTS
AND ANNE HULL
PLEASANTS (H/W)
Mailing PO BOX 18624
Address: CHARLOTTE, NC 28218

Parcel ID#:19319222 GIS ID#: 19319222

Owner Name: INVESTMENTS LLC EIP
Mailing 5412 CENTRAL AVE
Address: CHARLOTTE, NC 28212-
2706

Parcel ID#:19319210 GIS ID#: 19319210

Owner Name: TAE KYU PARK AND OH
SEAN
Mailing 8908 MAGNOLIA
Address: HEIGHTS CT
CHARLOTTE, NC 28270

Parcel ID#:19319208 GIS ID#: 19319208

Owner Name: EAST INDEPENDENCE
PROP AND % DR
FLETCHER KEITH
Mailing 4016 TRIANGLE DR
Address: CHARLOTTE, NC 28208

Parcel ID#:19319207 GIS ID#: 19319207

Owner Name: WESTERN AUTO
SUPPLY CO AND %
ADVANCE AUTO
PARTS
Mailing PO BOX 2710
Address: ROANOKE, VA 24001

Parcel ID#:19322106 GIS ID#: 19322106

Owner Name: REALTY INCOME
CORPORATION
Mailing PO BOX 460069
Address: ESCONDIDO, CA 92046-
0069

Parcel ID#:19322113 GIS ID#: 19322113

Owner Name: OHM HOTELS
MATTHEWS LLC AND
ATTN: ALKESH PATEL
Mailing 9705 LEITNER DR
Address: PINEVILLE, NC 28134

Parcel ID#: 19322112 GIS ID#: 19322112

Owner Name: LLC CMC ACQUISITION
COMPANY A AND C/O
DAVE E PARSONS
Mailing 6600 AAA DR
Address: CHARLOTTE, NC 28212

Subject: Re: Pep Boys #150 NONCD0002801
From: "Kim T. Caulk" <Kim.Caulk@ncmail.net>
Date: Wed, 19 Nov 2008 08:34:48 -0500
To: Ed Keebler <ekeebl@ecgroupllc.com>
CC: Tracy Hasson <tracy_hasson@pepboys.com>, ANNA JONES <Anna.Jones@ncmail.net>

STATE FILE

Thanks. We will forward a Draft REC-AA as soon as possible. In order for the required public notice to begin, the information in Item 4 of the Procedures for Obtaining a Registered Environmental Consultant Administrative Agreement is needed. The public notice can be performed by the Branch while the AA is being reviewed/finalized. If you do not have the procedures, let me know.

If you have any questions, please contact me.

Regards,

Kim T. Caulk, P.G.
Inactive Hazardous Sites Branch - REC Program
NCDENR - Division of Waste Management
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605
Phone: (919) 508-8451
Fax: (919) 733-4811
e-mail: kim.caulk@ncmail.net

Ed Keebler wrote:

Ms. Caulk,
The EC Group represents The Pep Boys – Manny, Moe & Jack, owner of the site known as Pep Boys Store #150. Pep Boys received a Notice of Regulatory Requirement for Contaminant Assessment and Cleanup for the property and desires to enter into a Registered Environmental Consultant Administrative Agreement (REC-AA). Site information is as follows:
Mecklenburg County Parcel ID: 19319206
Address: 9415 E. Independence Boulevard, Matthews, Mecklenburg County, NC
NCDENR #: NONCD0002801
Consultant: The EC Group, 201 East Orchard Street, Hammonton, NJ 08037, Attn: Mr. Edward Keebler, Director, Phone: 609-704-9991 email: EKeebler@ecgroupllc.com
Responsible Party: The Pep Boys – Manny, Moe & Jack, 3111 West Allegheny Avenue, Philadelphia, PA 19132-1197, Attn: Ms. Tracy Hason – Director – Environmental & DOT HazMat Compliance, Phone: 215-430-9876, email: Tracy_Hasson@pepboys.com
Proposed REC: Waters Edge Environmental, LLC, Contact: Phillip L. Rahn, 4901 Waters Edge Drive, Suite 201, Raleigh, North Carolina 27606 Phone: (919) 859-9987
The Pep Boys – Manny, Moe & Jack is the current owner of the subject site
If you have any questions, please feel free to contact me at any time
Thanks,



Edward Keebler, Director
The EC Group
Hammonton, NJ - Garden Grove, CA - Frankfort, KY
www.ECGroupllc.com
201 East Orchard Street
Hammonton, New Jersey 08037

609-704-9990

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15/11

15/11



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

CERTIFIED MAIL

November 10, 2008

Mr. Bernard McElroy
The Pep Boys Manny Moe & Jack
3111 West Alleghany Avenue
Philadelphia, PA 19132-1197

Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT
ASSESSMENT AND CLEANUP**
Pep Boys #150
Matthews, Mecklenburg County, NC
NONCD0002801

Dear Mr. McElroy:

Thank you for submitting the Site Cleanup Checklist/Questionnaire (Questionnaire) for the above subject site (Site). The Branch has completed its review of the Questionnaire and determined that the Site can be cleaned up through the REC ("Registered Environmental Consultant") Program without direct oversight by Branch Staff.

Note that, if you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L, Groundwater Classifications and Standards. Pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Pursuant to 15A NCAC 2L .0106(c), if groundwater standards have been exceeded, you must take immediate action to eliminate the source or sources of contamination. Beyond initial abatement actions, all assessment and remediation will be done through the Inactive Hazardous Sites Response Act ("IHSRA"), codified under N.C. Gen. Stat. § 130A-310.

Under the IHSRA, to receive approval of the assessment and clean up at the Site, you must enter into an administrative agreement with the Branch. Since the Branch has determined that the Site can be cleaned up through the REC Program, execution of an REC-Administrative Agreement (AA) is required. The procedures for entering into an REC-AA are attached. If you have any questions regarding these procedures or the REC Program, please contact the REC Program

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone 919-508-8400 \ FAX 919-715-3605 \ Internet <http://wastenotnc.org>
An Equal Opportunity/Affirmative action Employer – 50% Recycled/10% Post-Consumer Paper

Manager, Kim Caulk, at (919)508-8451 or visit the REC Program website at <http://www.wastenotnc.org/SFHOME/recprog.htm>.

If we do not receive a response from you within the next 60 days indicating your willingness to enter an REC-AA, the Branch will take further action to prioritize the Site. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction compelling compliance with the initial abatement steps required in 15A NCAC 2L. For future work beyond the initial abatement steps required pursuant to 15A NCAC 2L, a unilateral Order may be issued pursuant to § 130A-310.3 to compel assessment and cleanup. In addition, if you choose not to conduct a cleanup voluntarily, the site may be referred to the United States Environmental Protection Agency ("EPA"). If so referred, EPA will screen the site for Federal enforcement action under the Federal Superfund Program, established under the Comprehensive Environmental Responsibility, Compensation, and Liability Act ("CERCLA").

If you have additional questions about the requirements that apply to your site, please contact me at (919) 508-8465.

Sincerely,



Cheryl Marks, Hydrogeologist
Inactive Hazardous Sites Branch
Superfund Section

Enclosure: REC-AA Procedures

cc: Mr. Edward Keebler, The EC Group

Procedures for Obtaining a REC Administrative Agreement

To obtain a Registered Environmental Consultant (REC)-Administrative Agreement (AA), remediating parties (RPs) and RECs should use the following procedures:

1. Contact Kim Caulk, preferably by e-mail at Kim.Caulk@NCMail.net, and provide the following information for the site:
 - Site name, street address/location, city, and county;
 - Exact name of remediator;
 - Name, title, telephone number, e-mail address, & mailing address of the highest ranking official of the remediating party having day-to-day responsibility for the performance of the remedial response action;
 - Name, title, telephone number, e-mail address, & mailing address of any other contact person(s) and the proposed REC (if known) for the remedial response action;
 - Current property owner of the site.
2. Using the information above, a draft REC-AA will be prepared by the Branch and forwarded, preferably by e-mail, to the RP and any other specified representatives for review. The draft electronic version of the AA will be maintained by the Branch.
3. After the RP and/or REC confirms the information is satisfactory, the AA will be finalized by the Branch and an original, hardcopy of the final document will be mailed to the RP for signature. The RP should then mail the signed original, final AA to the REC for signature. The document should then be returned by mail to the Branch for execution. The Branch will forward a photocopy of the AA to the RP and REC following execution.
4. Before the AA can be executed, the following requirements must be completed:
 - A 30-day public notice for the proposed AA must be performed by the Branch in accordance with 130A-310.9(b). Note that this includes sites already undergoing groundwater remediation and previously under the oversight of the Division of Water Quality. To complete the required 30-day public notice, the proposed REC and/or the Remediating Party will need to submit, preferably by e-mail, a site location map (typically a tax map or parcel map) and the mailing addresses for each of the adjacent surrounding property owners. The reference/source of the submitted information should be included;
 - Pursuant to 15A NCAC 13C .0307(c), to participate in the REC Program, payment of a financial assurance fee must be received by the Branch. The fee for entry of the site into the REC Program is \$2500. Checks should be made payable to NC Division of Waste Management and referenced to the REC Trust Fund. There will be a similar fee each year until remediation at the site is complete. The annual administration fee, which is to help offset the costs of the Division's audits of remedial actions, is based on the number of sites in the REC Program and in recent years has varied from approx. \$1800 to \$2500.

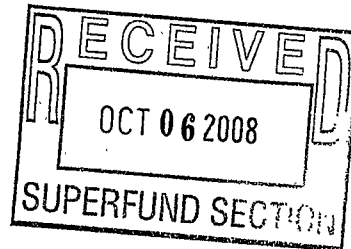
The required public notice can begin while the AA is reviewed/finalized and the fees are processed.

Questions regarding these procedures and the REC Program should be directed to Kim Caulk at (919)508-8451 or Kim.Caulk@NCMail.net.



October 2, 2008

Ms. Cheryl Marks
Inactive Hazardous Sites Branch
Division of Waste Management
401 Oberlin Road, Suite 150
Raleigh, NC 27605-1350



Reference: Pep Boys #150
9415 East Independence Blvd.
Matthews, Mecklenburg County, North Carolina
NONCD0002801

Dear Ms. Marks:

Enclosed please find the completed Site Cleanup Questionnaire for the referenced site in accordance with your letter of September 18, 2008 to Mr. Bernard McElroy of The Pep Boys – Manny, Moe & Jack.

If you have any questions, or require any additional information, please feel free to contact us at any time.

Sincerely,

The EC Group, LLC

A handwritten signature in black ink, appearing to read 'E. Keebler'.

Edward G. Keebler
Director

c: Tracy Hasson – The Pep Boys

Site Cleanup Questionnaire

Remediating parties interested in volunteering should prepare this form with the assistance of an environmental consultant. All cooperative parties are eligible for Branch-approved remedial actions. Answer all questions, based on current information, and provide written descriptions where needed.

NCDENR Site Name, City and County Pep Boys #150, Matthews, Mecklenburg County (NONCD0002801)

1. Is the site located on or immediately adjacent to residential property, schools, day-care centers or other sensitive populations? ☐ Y ☒ N

If yes, please explain on a separate page.

2. What is the distance (from site property line) to the nearest residence, school or day-care center? Please attach a map showing the site and nearest residence, school or daycare center. 550 ft. ENE

3. Is the site completely surrounded by a locked fence? ☐ Y ☒ N
If no, please explain security measures at the site on a separate page.

4. Are site surface soils known to be contaminated? ☐ Y ☒ N
If yes, or unknown, describe briefly on a separate page.

5. Is site groundwater known to be contaminated? ☐ Y ☒ N
If yes, or unknown, describe briefly on a separate page.

6. Is site sediment or surface water known to be contaminated? ☐ Y ☒ N
If yes, or unknown, describe briefly on a separate page.

7. Has groundwater contamination affected any drinking water wells? ☐ Y ☒ N
If yes, or unknown, please explain on a separate page.

8. What is the distance to the nearest downgradient drinking water well? >1,000 ft

9. What is the distance to the nearest downstream surface water intake? See Attachment

10. Are hazardous vapors, air emissions or contaminated dust migrating into occupied residential, commercial or industrial areas? ☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

11. Have hazardous substances known to have migrated off property at concentrations in excess of Branch unrestricted-use remediation goals? ☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

12. Has the local community expressed concerns about contamination at the site? ☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

13. Based on current information, are there any sensitive environments located on the property (sensitive environments are identified in the Remedial Investigation Work Plans section of the IHSB "Guidelines for Assessment and Cleanup" at www.wastenotnc.org/sfhome/stateleadguidance.pdf)? ☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

14. Based on current information, has contamination from the site migrated into any sensitive environments?

☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

15. Do site contaminants include radioactive or mixed radioactive and chemical wastes?

☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

Remediating Party Certification Statement

After first being duly sworn or affirmed, I, Tracy Hasson, hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.

[Signature]
(Signature of Remediating Party Representative)

9/29/08
(Date)

Tracy Hasson, Director - Environmental & DOT HAZMAT Compliance

(Printed Name and Title of Remediating Party Representative)

The Pep Boys - Manny, Moe & Jack

(Printed Name of Company)

~~STATE OF~~ Commonwealth of Pennsylvania
COUNTY OF Philadelphia

I, Helene B. Porter, a Notary Public of said County and State, do hereby certify that Tracy Hasson personally appeared before me this day, produced proper identification in the form of NA, was duly sworn and/or affirmed, and declared that he or she is the owner of the property referenced above or is a duly authorized agent of said owner and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the 29th day of September, 2008.

[Signature]

Notary Public (signature)

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Helene B. Porter, Notary Public
City Of Philadelphia, Philadelphia County
My Commission Expires Nov. 24, 2011

(OFFICIAL SEAL)

My commission expires: Nov. 24, 2011

Member, Pennsylvania Association of Notaries

Environmental Consultant Certification Statement

After first being duly sworn or affirmed, I, Edward G. Keebler, hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.


(Signature)

10/2/08
(Date)

Edward G. Keebler

(Printed Name)

The EC Group, LLC

(Printed Name of Environmental Consultant)

STATE OF NEW JERSEY

COUNTY OF ATLANTIC

I, SAM KLICKOVICH, a Notary Public of said County and State, do hereby certify that EDWARD G. KEEBLER personally appeared before me this day, produced proper identification in the form of DRIVER LICENSE, was duly sworn and/or affirmed, and declared that he or she is an environmental consultant for the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the 2ND day of OCTOBER, 2008.



Notary Public (signature)

SAM W. KLICKOVICH
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/28/209

(OFFICIAL SEAL)

My commission expires: 01/28/09

ATTACHMENT TO SITE CLEANUP QUESTIONNAIRE

Pep Boys Store #150

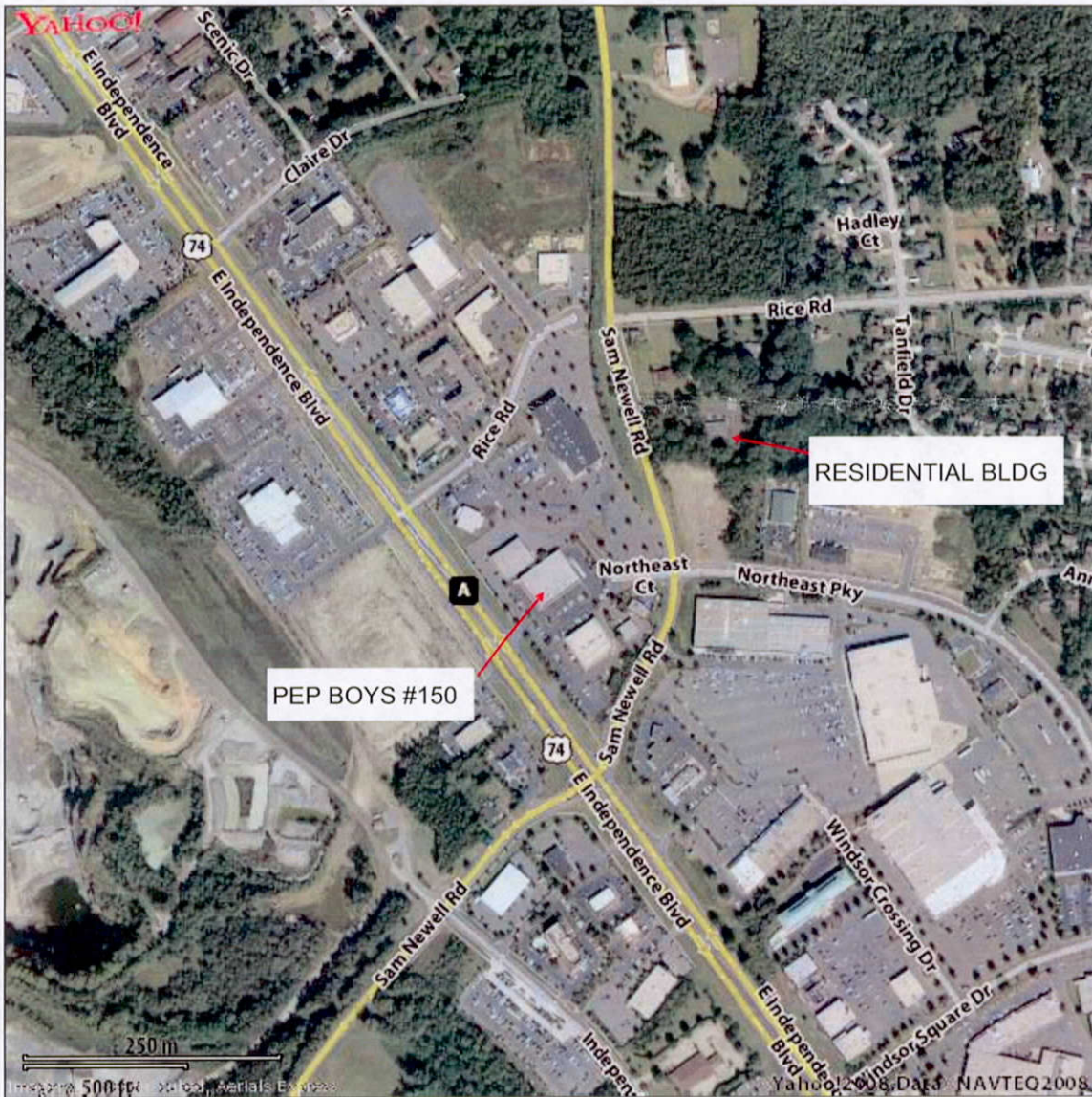
9415 East Independence Blvd.

Matthews, Mecklenburg County, North Carolina

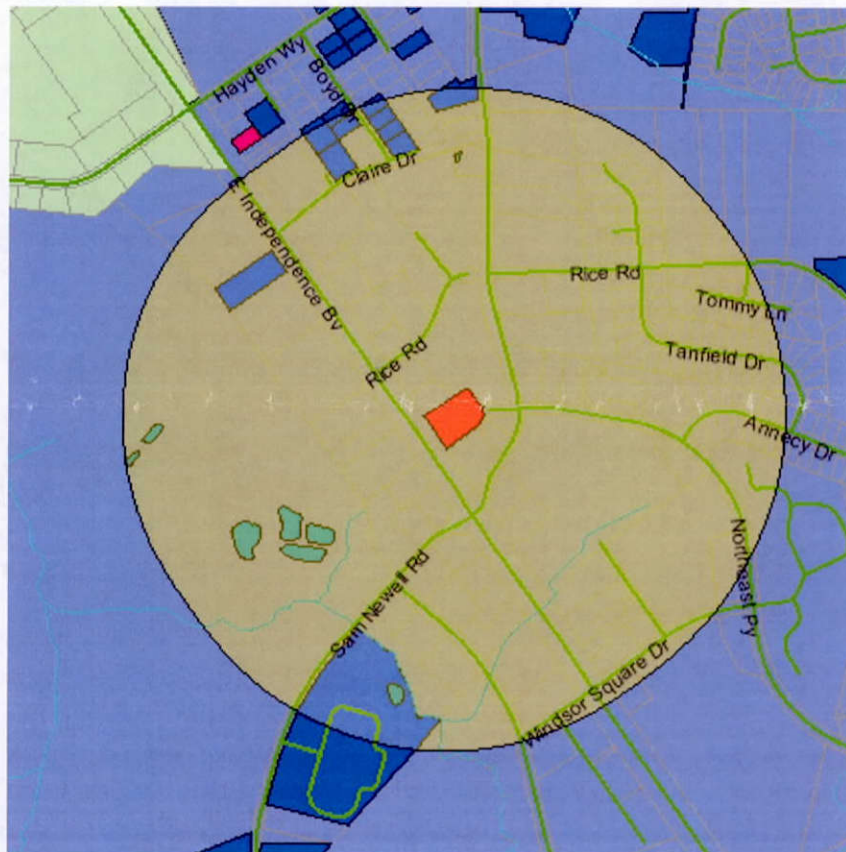
NONCD0002801

2. See attached map/aerial photograph depicting the nearest residential building. Located approximately 550 feet to the east/northeast of the subject property.
3. The subject site is an operating automobile repair and retail automotive parts facility. The hydraulic lift is located within the service bays of the facility. The service bays are designated "off-limits" to the general public during operating hours and are closed and locked during non-operational hours.
9. Based on a review of the USGS topographic quadrangle for the subject site area, the nearest surface water body to the subject site is an unnamed creek located approximately 500 feet east of the site. A review of the Mecklenburg County GIS system indicates the creek comes onto the subject property, but visual inspection of the site does not support this statement. The Mecklenburg County Well Information System indicates several sites with private wells within 2,000 feet of the site (copy of map with 2,000 foot buffer enclosed). Mr. Thomas Howard of the Charlotte/Mecklenburg County Municipal Utilities informed ECG that no intakes exist in the city of Matthews and that surface water intakes are located on Lake Norman.

PEP BOYS #150
9415 E INDEPENDENCE BLVD.
MATTHEWS, MECKLENBURG COUNTY



MECKLENBURG COUNTY Well Information System



LEGEND

Parcels - Well View

- Both Site and Well
- Landfill
- Public Well
- Contamination Site
- Private Well

Jurisdictions

- Charlotte
- Cornelius
- Davidson
- Huntersville
- Matthews
- Mecklenburg
- Mint Hill
- Pineville
- Stallings

The information provided by this program is compiled from recorded deeds, plats, tax maps, surveys, elections information, and other public records and data. Users of this map data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.



STATE FILE

North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor

William G. Ross Jr., Secretary

September 18, 2008

Mr. Bernard McElroy
The Pep Boys Manny Moe & Jack
3111 West Alleghany Avenue
Philadelphia, PA 19132-1197

Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT
AND CLEANUP**

Pep Boys #150
9415 East Independence Blvd.
Matthers, Mecklenburg County, NC
NONCD0002810 *KCC*

Dear Mr. McElroy:

We received notification from the Underground Storage Tank Section, Division of Waste Management, which reports that as part of an underground hydraulic lift removal at the above referenced facility, soil samples were collected and analyzed for contaminants. 1,1,2,2-Tetrachloroethane was identified in three of the six soil samples in concentrations that do not provide protection of groundwater. Depending on the contaminants involved and whether the contaminants have impacted or may impact groundwater quality, you will be required to assess and cleanup the contamination under one or more cleanup authorities. Regulatory oversight for the assessment and cleanup under all applicable authorities will be provided by the Division of Waste Management through its Superfund Section, Inactive Hazardous Sites Branch ("Branch").

Based on information provided to date, the Inactive Hazardous Sites Response Act ("IHSRA"), codified under N.C. Gen. Stat. § 130A-310, et seq., applies to your site. In addition, initial immediate actions may be required under 15A NCAC 2L, Groundwater Classifications and Standards.

I. ACTIONS REQUIRED AT THIS TIME:

Complete the Site Cleanup Questionnaire.

To comply with the requirements of State law, a Site Cleanup Questionnaire, available on the website noted at the end of this letter, must be completed and returned to this office. The information you provide will be reviewed along with other information to prioritize the site, so please make certain that the information you provide is complete and accurate. Please note that your failure to inform the Branch of any nearby potable wells or other high risk conditions may adversely affect the Branch's ability to identify this site as a higher-risk site.

Take Initial Abatement Actions Required Under 15A NCAC 2L.

If you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L. Pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Pursuant to 15A NCAC 2L .0106(c), if groundwater standards have been exceeded, you must take immediate action to eliminate the source or sources of contamination. Beyond initial abatement actions, all assessment and remediation will be done through the IHSRA:

II. FUTURE ASSESSMENT AND CLEANUP ACTIVITIES:

All correspondence regarding this site should be sent to the Branch. Future assessment and cleanup activities (activities conducted after the initial abatement steps required in 15A NCAC 2L) may be conducted through the Voluntary Cleanup Program (discussed below) or pursuant to an Order issued under N.C. Gen. Stat. § 130A-310.3. In addition, if you choose not to conduct a cleanup through the Voluntary Cleanup Program, the site may be referred to the United States Environmental Protection Agency ("EPA"). If so referred, EPA will screen the site for Federal enforcement action under the Federal Superfund Program, established under the Comprehensive Environmental Responsibility, Compensation, and Liability Act ("CERCLA").

III. VOLUNTARY CLEANUP PROGRAM:

Under the IHSRA, persons who move forward to assess and remediate contamination, without being compelled to do so through formal legal action filed against them, are called "volunteers." To participate in the voluntary cleanup program, you will be required to enter into an administrative agreement with the Branch. The voluntary cleanup will proceed through the Registered Environmental Consultant Program or under direct oversight by the Branch Staff, as discussed below:

Agreement to Conduct Assessment and Remediation Through the Registered Environmental Consultant Program.

The Branch has a privatized oversight arm of the voluntary cleanup program known as the Registered Environmental Consultant ("REC") program. Based on the responses provided on the questionnaire (degree of hazard and public interest in the site), the Branch will determine whether a staff person or an REC will perform the oversight and approval of your assessment and cleanup action. Please note that having one or more of the conditions identified on the questionnaire does not necessarily preclude the site for qualifying for an REC-directed cleanup action.

Under the REC program, the volunteer hires an environmental consulting firm, which the State has approved as having met certain qualifications, to implement a cleanup and certify that the work is being performed in compliance with regulations. In other words, the REC's certifications of compliance are in place of direct oversight by the Branch. Details of the REC program can be found at <http://www.wastenotnc.org/sfhome/recprog.htm>. If you have any questions specific to the REC Program, including how to participate, please contact the REC Program Manager, Kim Caulk, at (919) 508-8451.

Agreement to Conduct Assessment and Remediation Under State Oversight.

If the Branch determines that the site should be assessed and remediated pursuant to direct State oversight, it will not be eligible for a REC-directed cleanup. Rather, the remedial action will receive direct oversight by Branch staff.

IV. FAILURE TO RESPOND:

If we do not receive a completed questionnaire, the Branch will take further action to prioritize the site without your input. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction compelling compliance with the initial abatement steps required in 15A NCAC 2L. For future work beyond the initial abatement steps required pursuant to 15A NCAC 2L, a unilateral Order may be issued pursuant to § 130A-310.3 to compel assessment and cleanup.

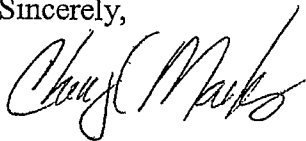
V. ADDITIONAL INFORMATION REGARDING THE IHSRA AND THE BRANCH:

People are often confused by the name of the Inactive Hazardous Sites Response Act and the Branch. By definition, "Inactive Hazardous Sites" are any areas where hazardous substances have come to be located and would include active and inactive facilities and a variety of property types. The term "inactive" simply refers to the fact that cleanup was inactive at large numbers of sites at the time of program enactment. Additional information about the Branch may be found at <http://www.wastenotnc.org/sfhome/ihsbrnch.htm>.

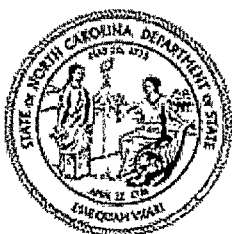
Submit completed questionnaire to: Cheryl Marks
Inactive Hazardous Sites Branch
Division of Waste Management
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605-1350

If you have additional questions about the requirements that apply to your site, please contact me at (919) 508-8465.

Sincerely,



Cheryl Marks, Hydrogeologist
Inactive Hazardous Sites Branch
Superfund Section



Elaine F. Marshall
Secretary

North Carolina

DEPARTMENT OF THE SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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Corporation Names

Name	Name Type
NC The Pep	Legal
Boys - Manny,	
Moe & Jack	

Business Corporation Information

SOSID:	0112827
Status:	Current-Active
Date Formed:	4/30/1948
Citizenship:	Foreign
State of Inc.:	PA
Duration:	Perpetual

Registered Agent

Agent Name:	United States Corporation Company
Registered Office Address:	327 Hillsboro Street Raleigh NC 27603
Registered Mailing Address:	327 Hillsboro Street Raleigh NC 27603
Principal Office Address:	3111 W Allegheny Ave Philadelphia PA 19132-1197

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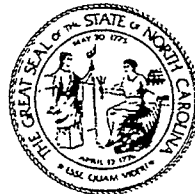
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NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
MOORESVILLE REGIONAL OFFICE



DIVISION OF WASTE MANAGEMENT

Date: 4-18-2007

MEMORANDUM

To: Groundwater Section, DWQ *Aquifer Protection Section*

From: BRETT MORRIS
UST Section, DWM

Subject: NON-UST SOURCE

UST Site: PEP Boys #150
(Citt)
9415 EAST Independence
Boulevard

Inc: # 36213

"new" site

Water Supply Well Information:

Surface Water Information:

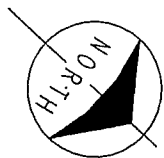
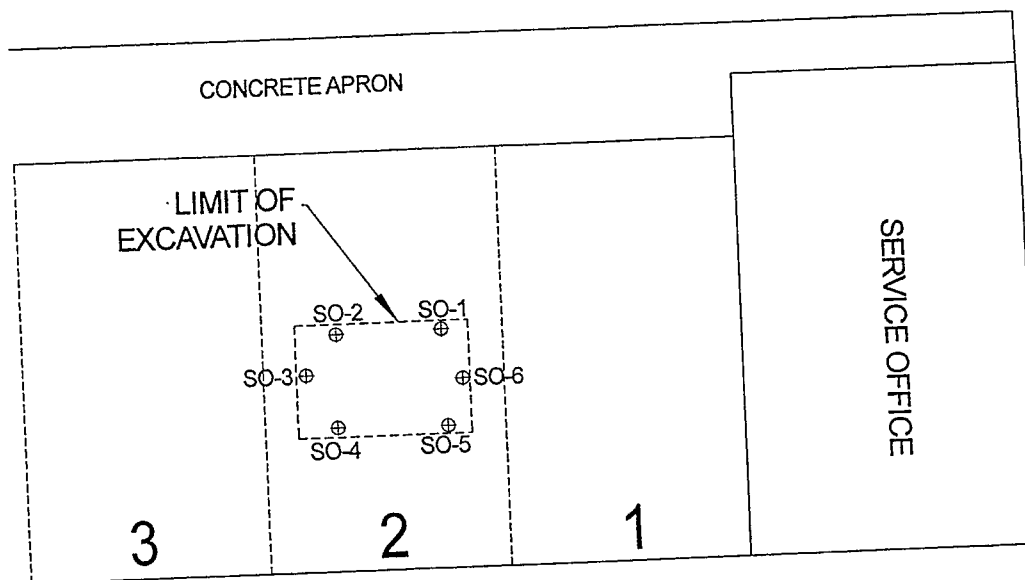
NON-UST Contaminants Identified:

Underground hydraulic Citt removal, 1,1,2,2-tetrachloroethane
was tentatively identified in three of the six
Soil Samples. All Above Soil-to-groundwater MSCC's.

Table 1: Laboratory Analytical Results Summary

Sample ID Lab Sample ID Sample Location Sample Depth (ft.) Collection Date	SO-1 NQA0195-01 South Wall 8.0-8.5 01-03-07	SO-2 NQA0195-02 South Wall 8.0-8.5 01-03-07	SO-3 NQA0195-03 East Wall 8.0-8.5 01-03-07	SO-4 NQA0195-04 North Wall 8.0-8.5 01-03-07	SO-5 NQA0195-05 North Wall 8.0-8.5 01-03-07	SO-6 NQA0195-06 West Wall 8.0-8.5 01-03-07	NCDNR Maximum Soil Contaminant Concentration
Extractable Petroleum Hydrocarbons (mg/kg)	ND(11.8)	ND (12.7)	ND (12.5)	ND (13.7)	ND (15.3)	29.1 (C ₁₉₋₃₆)	250
Base Neutral/Acid Extractable (BNA) Target Compounds	ND	ND	ND	ND	ND	ND	Compound Specific
BNA Tentatively Identified Compounds:							
Cyclic octaatomic sulfur	ND	ND	ND	ND	ND	0.453	NE
1,1,2,2-tetrachloro- ethane	0.480	ND	0.447	ND	ND	0.409	0.001
1,1-oxybis(2-methoxy- ethane	ND	ND	ND	ND	ND	2.02	NE
1,1,3,3- tetramethylbutyl-phenyl	ND	ND	ND	ND	ND	0.423	NE
NOTES: mg/kg: milligrams per kilogram ND(#): Non Detectable Concentration (Report Limit)							

A review of the laboratory analytical results indicates extractable petroleum hydrocarbons (EPH) were not detected at concentrations in excess of the method reporting limit (MRL) in five of the six soil samples submitted for analysis and that targeted BNA compounds were not detected above the MRL in any of the six soil samples submitted for analysis. EPH was detected at a concentration of 29.1 milligrams per kilograms (mg/kg) in soil sample SO-6, collected on the west wall of the excavation. 1,1,2,2-tetrachloroethane was tentatively identified in three of the six soil samples at concentrations ranging from 0.409 mg/kg to 0.480 mg/kg.



Hammonton, New Jersey
609-704-9990

Figure 3: Sample Location Map

↓ Project North	Pep Boys Store #150 1951 E. Independence Blvd Matthews, North Carolina	
	Prepared by: EGK	Scale: 1" = 10' Date: 01/08/07

Rep Boys #150
9415 East Independence Blvd
Matthews, Mecklenburg

Sol 1,1,2,2-Tetrachloroethane
0.409
0.447
0.480

Parcel 1931920 Cr
~~The~~ Manny, Mrs' Jack

Agent Name United States Sif Co
327 Hillshire St
Raleigh, NC 27603

Principal Office 3111 W. Allegheny Ave
Philadelphia, PA 19132-1157
~~Mitchell Leibowitz~~ President
Lawrence Stevenson